

STATE REGISTER

STATE OF MINNESOTA

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STATE CAPITOL

ST. PAUL, MN. 55155



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STATE REGISTER

Volume 10

Printing Schedule

Submission Deadlines

Vol. 10 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
49	Monday 19 May	Friday 23 May	Monday 2 June
50	Friday 23 May	Monday 2 June	Monday 9 June
51	Monday 2 June	Monday 9 June	Monday 16 June
52	Monday 7 June	Monday 16 June	Monday 23 June

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

HOUSE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Contact: Senate Public Information Office
Room 111 State Capitol, St. Paul, MN 55155
(612) 296-0504

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

Cover graphic: *Minnesota State Capitol*, Ink drawing by Ric James.

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How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION** also.

The PROPOSED RULES section contains:

- Calendar of public hearings on proposed rules.
- Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
- Proposed amendments to rules already in existence in the Minnesota Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless an agency requests this.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before April 8, 1985 are published in the *Minnesota Rules 1985*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 will be included in a supplement scheduled for publication in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The *State Register* publishes partial and cumulative listings of rule in the MINNESOTA RULES AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
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The listings are arranged in the same order as the table of contents of the *Minnesota Rules 1985*.

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PROPOSED RULES

Pursuant to Minn. Stat. of 1984, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Capitol Area Architectural and Planning Board

Proposed Rules Governing Capitol Area Zoning and Design

Notice of Proposed Adoption of a Rule without a Public Hearing

Notice is hereby given that the Capitol Area Architectural and Planning Board (hereinafter the CAAPB) proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The specific statutory authority to adopt the rule is Minn. Stat. sections 15.50, Subd. 2(a).

Persons interested in this rule shall have 30 days in which to submit comment in support or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the CAAPB will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to:

Gary Grefenberg
Capitol Area Architectural and Planning Board
B-46 State Capitol
St. Paul, Minnesota 55155
(612) 296-7138

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from CAAPB upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Gary Grefenberg.

Gary Grefenberg
Executive Secretary
Capitol Area Architectural
and Planning Board

Capitol Area Architectural Area Planning Board

Proposed Rule Governing Zoning Districts for the Capitol Area

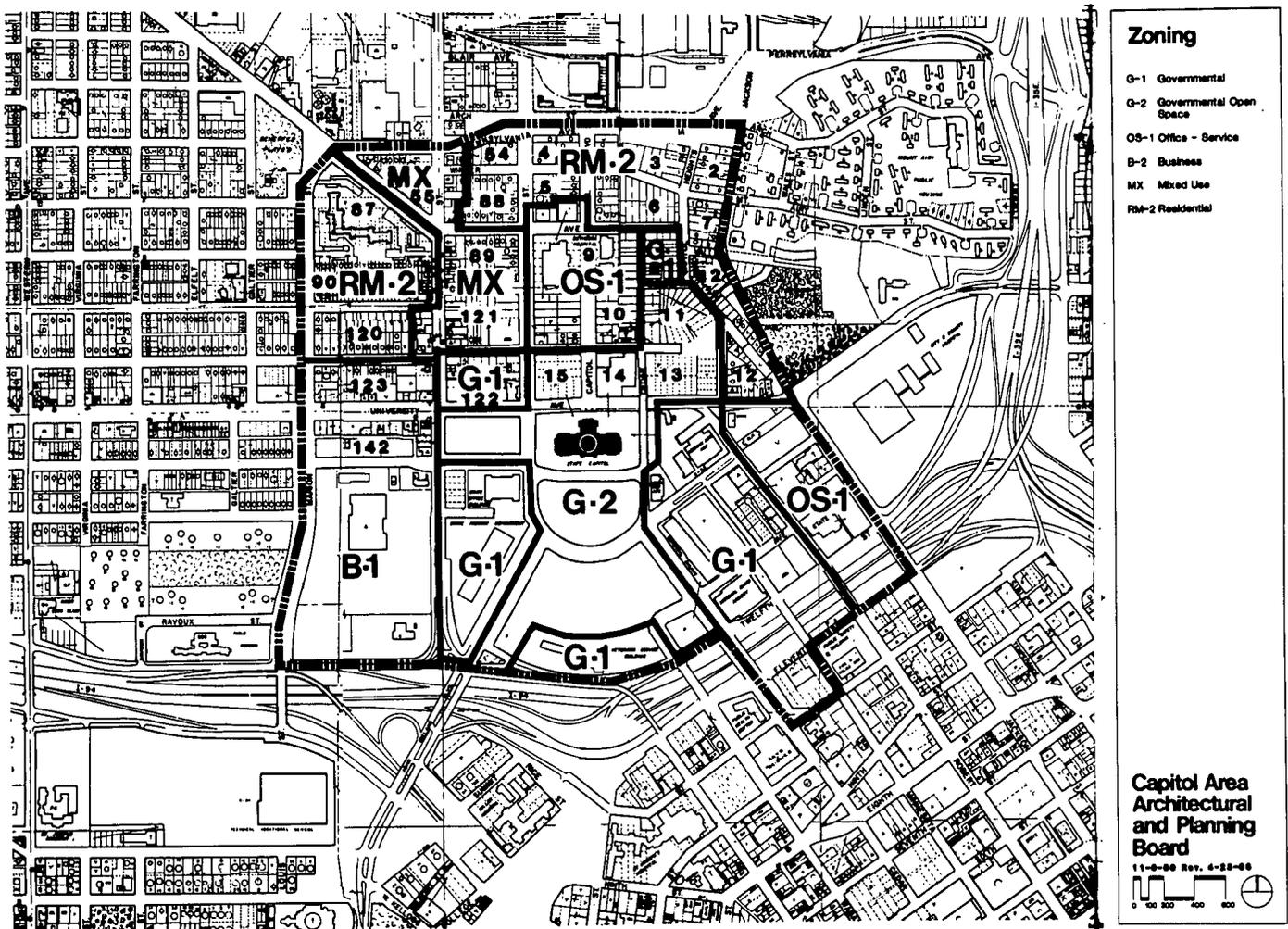
Rule as Proposed

2400.0140 ZONING MAP.

Subpart 1. **Establishment of zones.** The capitol area is hereby divided into zoning districts as shown on the official zoning map entitled "Zoning districts for the capitol area," subpart 2a. ~~Such~~ The map and any amendments with all explanatory matter therein, are hereby made a part of these rules.

Subp. 2. [See Repealer.]

Subp. 2a. Zoning districts for the capitol area.



REPEALER. Minnesota Rules, part 2400.0140, subpart 2 is repealed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Department of Commerce

Proposed Adoption of Uniform Conveyancing Blanks

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Department of Commerce proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Commerce has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Section 14.21.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the rules. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and does not result in a substantial change.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30 day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, Section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Scott P. Borchert, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, telephone (612) 296-9431. Any person requesting a public hearing should state her or his name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, section 507.09. Additionally a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Pursuant to Minnesota Laws 1983, chapter 188 codified as Minnesota Statute Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Scott P. Borchert, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules is attached to this Notice.

Copies of this Notice and proposed rules are available and may be obtained by contacting Scott P. Borchert at the above address.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Proposed Rules Relating to Uniform Conveyancing Blanks

Rules as Proposed (all new material)

2820.3000 FORM 41-M: MORTGAGE BY INDIVIDUAL.

Subpart 1. **Scope.** The recommended form for a mortgage by an individual is contained in subpart 2.

Subp. 2. **Form.**

MORTGAGE
By Individual

Form No. 41-M

Miller-Davis Co., Minneapolis (7-17-85)
Minnesota Uniform Conveyancing Blanks (1985)

(reserved for mortgage registry tax payment data)

(reserved for recording data)

MORTGAGE REGISTRY TAX DUE HEREON:

\$ _____

THIS INDENTURE, Made this _____ day of _____, 19____,
between _____
_____, Mortgagor (whether one or more),
and _____
_____, Mortgagee (whether one or more),

WITNESSETH, That Mortgagor, in consideration of the sum of _____
_____ DOLLARS,
to Mortgagor in hand paid by Mortgagee, the receipt whereof is hereby acknowledged, does hereby convey unto
Mortgagee, forever, real property in _____ County Minnesota, described as follows:

together with all hereditaments and appurtenances belonging thereto (the Property).

TO HAVE AND TO HOLD THE SAME, to Mortgagee forever. Mortgagor covenants with Mortgagee as follows: That Mortgagor is
lawfully seized of the Property and has good right to convey the same; that the Property is free from all encumbrances, except as follows:

that Mortgagee shall quietly enjoy and possess the same; and that Mortgagor will warrant and defend the title to the same against all lawful
claims not hereinbefore specifically excepted.

PROVIDED, NEVERTHELESS, That if Mortgagor shall pay to Mortgagee the sum of _____
_____ DOLLARS,
according to the terms of a promissory note of even date herewith (the Note), the final payment being due and payable on _____,
_____ with interest at the rate provided in the Note, and shall repay to Mortgagee, at the times and with interest as
specified, all sums advanced in protecting the lien of this Mortgage, in payment of taxes on the Property and assessments payable therewith,
insurance premiums covering buildings thereon, principal or interest on any prior liens, expenses and attorney's fees herein provided for and
sums advanced for any other purpose authorized herein, and shall keep and perform all the covenants and agreements herein contained, then
this Mortgage shall be null and void, and shall be released at Mortgagor's expense.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

PROPOSED RULES

AND MORTGAGOR covenants with Mortgagee as follows:

1. to pay the principal sum of money and interest as specified in the Note;
2. to pay all taxes and assessments now due or that may hereafter become liens against the Property before penalty attaches thereto;
3. to keep all buildings, improvements and fixtures now or later located on or a part of the Property insured against loss by fire, extended coverage perils, vandalism, malicious mischief and, if applicable, steam boiler explosion, for at least the amount of

at all times while any amount remains unpaid under this Mortgage. If any of the buildings, improvements or fixtures are located in a federally designated flood prone area, and if flood insurance is available for that area, Mortgagor shall procure and maintain flood insurance in amounts reasonably satisfactory to Mortgagee. Each insurance policy shall contain a loss payable clause in favor of Mortgagee affording all rights and privileges customarily provided under the so-called standard mortgage clause. In the event of damage to the Property by fire or other casualty, Mortgagor shall promptly give notice of such damage to Mortgagee and the insurance company. The insurance shall be issued by an insurance company or companies licensed to do business in the State of Minnesota and acceptable to Mortgagee. The insurance policies shall provide for not less than ten days written notice to Mortgagee before cancellation, non-renewal, termination, or change in coverage, and Mortgagor shall deliver to Mortgagee a duplicate original or certificate of such insurance policies;

4. to pay, when due, both principal and interest of all prior liens or encumbrances, if any, and to keep the Property free and clear of all other prior liens or encumbrances;
5. to commit or permit no waste on the Property and to keep it in good repair;
6. to complete forthwith any improvements which may hereafter be under course of construction on the Property; and
7. to pay any other expenses and attorney's fees incurred by Mortgagee by reason of litigation with any third party for the protection of the lien of this Mortgage.

In case of failure to pay said taxes and assessments, prior liens or encumbrances, expenses and attorney's fees as above specified, or to insure said buildings, improvements, and fixtures and deliver the policies as aforesaid, Mortgagee may pay such taxes, assessments, prior liens, expenses and attorney's fees and interest thereon, or obtain such insurance, and the sums so paid shall bear interest from the date of such payment at the same rate set forth in the Note, and shall be impressed as an additional lien upon the Property and be immediately due and payable from Mortgagor to Mortgagee and this Mortgage shall from date thereof secure the repayment of such advances with interest.

In case of default in any of the foregoing covenants, Mortgagor confers upon the Mortgagee the option of declaring the unpaid balance of the Note and the interest accrued thereon, together with all sums advanced hereunder, immediately due and payable without notice, and hereby authorizes and empowers Mortgagee to foreclose this Mortgage by judicial proceedings or to sell the Property at public auction and convey the same to the purchaser in fee simple in accordance with the statute, and out of the moneys arising from such sale to retain all sums secured hereby, with interest and all legal costs and charges of such foreclosure and the maximum attorney's fee permitted by law, which costs, charges and fees Mortgagor agrees to pay.

The terms of this Mortgage shall run with the Property and bind the parties hereto and their successors in interest.

IN TESTIMONY WHEREOF, Mortgagor has hereunto set its hand the day and year first above written.

MORTGAGOR

By _____
Its _____

STATE OF MINNESOTA

COUNTY OF _____ } ss.

By _____
Its _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____ and _____,
the _____ and _____,
of _____, a _____,
under the laws of _____, on behalf of the _____.

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

FAILURE TO RECORD OR FILE THIS MORTGAGE
MAY AFFECT THE PRIORITY OF THIS MORTGAGE.

2820.3300 FORM 43-M: MORTGAGE BY CORPORATION OR PARTNERSHIP.

Subpart 1. Scope. The recommended form for a mortgage by a corporation or partnership is contained in subpart 2.

Subp. 2. Form.

MORTGAGE Miller-Davis Co., Minneapolis (7-17-85)
Minnesota Uniform Conveyancing Blanks (1985)

Form No. 43—M

By Corporation or Partnership

(reserved for mortgage registry tax payment data)

(reserved for recording data)

MORTGAGE REGISTRY TAX DUE HEREON:

\$ _____

THIS INDENTURE, Made this _____ day of _____, 19____,

between _____,

a _____ under the laws of _____,

Mortgagor (whether one or more), and _____,

_____, Mortgagee (whether one or more),

WITNESSETH, That Mortgagor, in consideration of the sum of _____ DOLLARS,

to Mortgagor in hand paid by Mortgagee, the receipt whereof is hereby acknowledged, does hereby convey unto Mortgagee, forever, real property in _____ County Minnesota, described as follows:

together with all hereditaments and appurtenances belonging thereto (the Property).

TO HAVE AND TO HOLD THE SAME, to Mortgagee forever. Mortgagor covenants with Mortgagee as follows: That Mortgagor is lawfully seized of the Property and has good right to convey the same; that the Property is free from all encumbrances, except as follows:

that Mortgagee shall quietly enjoy and possess the same; and that Mortgagor will warrant and defend the title to the same against all lawful claims not hereinbefore specifically excepted.

PROVIDED, NEVERTHELESS, That if Mortgagor shall pay to Mortgagee the sum of _____ DOLLARS,

according to the terms of a promissory note of even date herewith (the Note), the final payment being due and payable on _____,

_____ with interest at the rate provided in the Note, and shall repay to Mortgagee, at the times and with interest as specified, all sums advanced in protecting the lien of this Mortgage, in payment of taxes on the Property and assessments payable therewith, insurance premiums covering buildings thereon, principal or interest on any prior liens, expenses and attorney's fees herein provided for and sums advanced for any other purpose authorized herein, and shall keep and perform all the covenants and agreements herein contained, then this Mortgage shall be null and void, and shall be released at Mortgagor's expense.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

AND MORTGAGOR covenants with Mortgagee as follows:

1. to pay the principal sum of money and interest as specified in the Note;
2. to pay all taxes and assessments now due or that may hereafter become liens against the Property before penalty attaches thereto;
3. to keep all buildings, improvements and fixtures now or later located on or a part of the Property insured against loss by fire, extended coverage perils, vandalism, malicious mischief and, if applicable, steam boiler explosion, for at least the amount of

at all times while any amount remains unpaid under this Mortgage. If any of the buildings, improvements or fixtures are located in a federally designated flood prone area, and if flood insurance is available for that area, Mortgagor shall procure and maintain flood insurance in amounts reasonably satisfactory to Mortgagee. Each insurance policy shall contain a loss payable clause in favor of Mortgagee affording all rights and privileges customarily provided under the so-called standard mortgage clause. In the event of damage to the Property by fire or other casualty, Mortgagor shall promptly give notice of such damage to Mortgagee and the insurance company. The insurance shall be issued by an insurance company or companies licensed to do business in the State of Minnesota and acceptable to Mortgagee. The insurance policies shall provide for not less than ten days written notice to Mortgagee before cancellation, non-renewal, termination, or change in coverage, and Mortgagor shall deliver to Mortgagee a duplicate original or certificate of such insurance policies;

4. to pay, when due, both principal and interest of all prior liens or encumbrances, if any, and to keep the Property free and clear of all other prior liens or encumbrances;
5. to commit or permit no waste on the Property and to keep it in good repair;
6. to complete forthwith any improvements which may hereafter be under course of construction on the Property; and
7. to pay any other expenses and attorney's fees incurred by Mortgagee by reason of litigation with any third party for the protection of the lien of this Mortgage.

In case of failure to pay said taxes and assessments, prior liens or encumbrances, expenses and attorney's fees as above specified, or to insure said buildings, improvements, and fixtures and deliver the policies as aforesaid, Mortgagee may pay such taxes, assessments, prior liens, expenses and attorney's fees and interest thereon, or obtain such insurance, and the sums so paid shall bear interest from the date of such payment at the same rate set forth in the Note, and shall be impressed as an additional lien upon the Property and be immediately due and payable from Mortgagor to Mortgagee and this Mortgage shall from date thereof secure the repayment of such advances with interest.

In case of default in any of the foregoing covenants, Mortgagor confers upon the Mortgagee the option of declaring the unpaid balance of the Note and the interest accrued thereon, together with all sums advanced hereunder, immediately due and payable without notice, and hereby authorizes and empowers Mortgagee to foreclose this Mortgage by judicial proceedings or to sell the Property at public auction and convey the same to the purchaser in fee simple in accordance with the statute, and out of the moneys arising from such sale to retain all sums secured hereby, with interest and all legal costs and charges of such foreclosure and the maximum attorney's fee permitted by law, which costs, charges and fees Mortgagor agrees to pay.

The terms of this Mortgage shall run with the Property and bind the parties hereto and their successors in interest.

IN TESTIMONY WHEREOF, Mortgagor has hereunto set its hand the day and year first above written.

MORTGAGOR

STATE OF MINNESOTA }
 COUNTY OF _____ } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
 by _____

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

 SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

 NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

FAILURE TO RECORD OR FILE THIS MORTGAGE
 MAY AFFECT THE PRIORITY OF THIS MORTGAGE.

2820.3600 FORM 46-M: ASSIGNMENT OF MORTGAGE BY INDIVIDUAL.

Subpart 1. **Scope.** The recommended form for an assignment of a mortgage by an individual is contained in subpart 2.

Subp. 2. **Form.**

ASSIGNMENT OF MORTGAGE **Form No. 46-M** Miller/Davis Co., Minneapolis (12-18-85)
Minnesota Uniform Conveyancing Blanks (1985)

By Individual

Assignment Of Mortgage

Date: _____, 19____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____

Assignor (whether one or more), hereby sells, assigns and transfers to _____

Assignee (whether one or more), the Assignor's interest in the Mortgage dated _____, 19____, executed by _____

as Mortgagor, to _____

as Mortgagee, and filed for record _____, 19____, as Document Number _____ (or in Book _____ of _____ Page _____), in the Office of the (County Recorder) (Registrar of Titles) of _____ County, Minnesota, together with all right and interest in the note and obligations therein specified and the debt thereby secured. Assignor covenants with Assignee, its successors and assigns, that there is still due and unpaid of the debt secured by the Mortgage the sum of _____

_____ DOLLARS, with interest thereon from _____, 19____, and that Assignor has good right to sell, assign and transfer the same.

ASSIGNOR(S)

STATE OF MINNESOTA } ss.
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

PROPOSED RULES

2820.3700 FORM 47-M: ASSIGNMENT OF MORTGAGE BY CORPORATION OR PARTNERSHIP.

Subpart 1. **Scope.** The recommended form for an assignment of a mortgage by a corporation or partnership is contained in subpart 2.

Subp. 2. Form.

ASSIGNMENT OF MORTGAGE **Form No. 47-M** Miller/Davis Co., Minneapolis (12-18-85)
Minnesota Uniform Conveyancing Blanks (1985)

By Corporation or Partnership

Assignment Of Mortgage

Date: _____, 19____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____

a _____ under the laws of _____,
Assignor (whether one or more), hereby sells, assigns and transfers to _____

Assignee (whether one or more), the Assignor's interest in the Mortgage dated _____, 19____,
executed by _____

as Mortgagor, to _____,
as Mortgagee, and filed for record _____, 19____, as Document Number _____
(or in Book _____ of _____ Page _____), in the Office of the (County Recorder)
(Registrar of Titles) of _____ County, Minnesota, together with all right and interest
in the note and obligations therein specified and the debt thereby secured. Assignor covenants with Assignee, its
successors and assigns, that there is still due and unpaid of the debt secured by the Mortgage the sum of

_____ DOLLARS, with interest thereon from
_____, 19____, and that Assignor has good right to sell, assign and transfer the same.

ASSIGNOR

By _____
Its _____

By _____
Its _____

STATE OF MINNESOTA } ss.
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____ and _____,
the _____ and _____,
of _____, a _____
under the laws of _____, on behalf of the _____.

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

2820.3900 FORM 50-M: SATISFACTION OF MORTGAGE BY INDIVIDUAL.

Subpart 1. Scope. The recommended form for a satisfaction of a mortgage by an individual is contained in subpart 2.

Subp. 2. Form.

SATISFACTION OF MORTGAGE

Form No. 50-M

Miller/Davis Co., Minneapolis (7-17-85)
Minnesota Uniform Conveyancing Blanks (1985)

By Individual

Satisfaction Of Mortgage

Date: _____, 19____

(reserved for recording data)

THAT CERTAIN MORTGAGE owned by the undersigned, dated _____, 19____,
executed by _____,
_____, as Mortgagor, to
_____, as Mortgagee,
and filed for record _____, 19____, as Document Number _____
(or in Book _____ of _____ Page _____), in the Office of the (County Recorder)
(Registrar of Titles) of _____ County, Minnesota, is, with the indebtedness thereby
secured, fully paid and satisfied.

STATE OF MINNESOTA

COUNTY OF _____

} ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

PROPOSED RULES

2820.4000 FORM 51-M: SATISFACTION OF MORTGAGE BY CORPORATION OR PARTNERSHIP.

Subpart 1. **Scope.** The recommended form for a satisfaction of a mortgage by a corporation or partnership is contained in subpart 2.

Subp. 2. **Form.**

SATISFACTION OF MORTGAGE
By Corporation or Partnership

Form No. 51-M

Miller/Davis Co., Minneapolis (7-17-85)
Minnesota Uniform Conveyancing Blanks (1985)

Satisfaction Of Mortgage

Date: _____, 19__

(reserved for recording data)

THAT CERTAIN MORTGAGE owned by the undersigned, a _____
under the laws of _____, dated _____, 19__,
executed by _____,
_____, as Mortgagor, to
_____, as Mortgagee,
and filed for record _____, 19__, as Document Number _____
(or in Book _____ of _____ Page _____), in the Office of the (County Recorder)
(Registrar of Titles) of _____ County, Minnesota, is, with the indebtedness thereby
secured, fully paid and satisfied.

By _____
Its _____

By _____
Its _____

STATE OF MINNESOTA }
COUNTY OF _____ } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 19__,
by _____ and _____,
the _____ and _____,
of _____, a _____,
under the laws of _____, on behalf of the _____.

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

2820.4010 FORM 52-M: PARTIAL RELEASE OF MORTGAGE BY INDIVIDUAL.

Subpart 1. **Scope.** The recommended form for a partial release of a mortgage by an individual is contained in subpart 2.

Subp. 2. **Form.**

PARTIAL RELEASE OF MORTGAGE **Form No. 52-M** OSWALD PUBLISHING CO., NEW ULU, MN (DATE 800 781-8831)
Minnesota Uniform Conveyancing Blanks (Rev. 3-19-86)
By Individual

**Partial Release
of Mortgage**

(reserved for recording data)

Date: _____, 19____

FOR VALUABLE CONSIDERATION, the real property in _____ County,
Minnesota, legally described as follows:

(If more space is needed, continue on back)

is hereby released from the lien of the Mortgage, owned by the undersigned, dated _____, 19____,
executed by _____,
_____, as Mortgagor, to
_____, as Mortgagee,
and filed for record _____, 19____, as Document Number _____
(or in Book _____ of _____ Page _____), in the Office of the (County Recorder)
(Registrar of Titles) of _____ County, Minnesota.

STATE OF MINNESOTA }
COUNTY OF _____ } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

PROPOSED RULES

2820.4020 FORM 53-M: PARTIAL RELEASE OF MORTGAGE BY CORPORATION OR PARTNERSHIP.

Subpart 1. **Scope.** The recommended form for a partial release of a mortgage by a corporation or partnership is contained in subpart 2.

Subp. 2. Form.

PARTIAL RELEASE OF MORTGAGE Form No. 53-M OSWALD PUBLISHING CO., NEW ULM, MN (MATS 800 782 2822)
By Corporation or Partnership Minnesota Uniform Conveyancing Blanks (Rev. 3-19-86)

Partial Release of Mortgage

(reserved for recording data)

Date: _____, 19__

FOR VALUABLE CONSIDERATION, the real property in _____ County,
Minnesota, legally described as follows:

(If more space is needed, continue on back)

is hereby released from the lien of the Mortgage, owned by the undersigned, dated _____, 19__,
executed by _____

_____, as Mortgagor, to

_____, as Mortgagee,

and filed for record _____, 19__, as Document Number _____
(or in Book _____ of _____ Page _____), in the Office of the (County Recorder)
(Registrar of Titles) of _____ County, Minnesota.

By _____
Its _____

By _____
Its _____

STATE OF MINNESOTA }
COUNTY OF _____ } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 19__,
by _____ and _____,
the _____ and _____,
of _____, a _____,
under the laws of _____, on behalf of the _____.

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

MECHANIC'S LIENS

2820.4750 FORM 81-M: ASSIGNMENT OF MECHANIC'S LIEN BY INDIVIDUAL.

Subpart 1. **Scope.** The recommended form for an assignment of a mechanic's lien by an individual is contained in subpart 2.
Subp. 2. **Form.**

ASSIGNMENT OF MECHANIC'S LIEN
By Individual

Form No. 81-M

Miller/Davis Co., Minneapolis (12-18-85)
Minnesota Uniform Conveyancing Blanks (1986)

**Assignment of
Mechanic's Lien**

Date: _____, 19____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____,
Assignor (whether one or more), hereby sells, assigns and transfers to _____,
Assignee (whether one or more), a mechanic's lien, the verified statement and claim for which is dated
_____, 19____, executed by _____,
and filed for record _____, 19____, as Document Number _____
(or in Book _____ of _____ Page _____), in the Office of the (County Recorder)
(Registrar of Titles) of _____ County, Minnesota, together with all right and interest
in and to the debt thereby secured.

ASSIGNOR(S)

STATE OF MINNESOTA }
COUNTY OF _____ } Jr.

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

PROPOSED RULES

2820.4760 FORM 82-M: ASSIGNMENT OF MECHANIC'S LIEN BY CORPORATION OR PARTNERSHIP.

Subpart 1. **Scope.** The recommended form for an assignment of a mechanic's lien by a corporation or partnership is contained in subpart 2.

Subp. 2. **Form.**

ASSIGNMENT OF MECHANIC'S LIEN
By Corporation or Partnership

Form No. 82-M

Miller/Davis Co., Minneapolis (12-18-85)
Minnesota Uniform Conveyancing Blanks (1985)

Assignment of Mechanic's Lien

Date: _____, 19____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____

a _____ under the laws of _____,
Assignor (whether one or more), hereby sells, assigns and transfers to _____

Assignee (whether one or more), a mechanic's lien, the verified statement and claim for which is dated
_____, 19____, executed by _____

and filed for record _____, 19____, as Document Number _____
(or in Book _____ of _____ Page _____), in the Office of the (County Recorder)
(Registrar of Titles) of _____ County, Minnesota, together with all right and interest
in and to the debt thereby secured.

ASSIGNOR

By _____
Its _____

By _____
Its _____

STATE OF MINNESOTA

COUNTY OF _____ } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____ and _____,
the _____ and _____
of _____, a _____
under the laws of _____, on behalf of the _____.

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

2820.4770 FORM 83-M: SATISFACTION OF MECHANIC'S LIEN BY INDIVIDUAL.

Subpart 1. **Scope.** The recommended form for a satisfaction of a mechanic's lien by an individual is contained in subpart 2.

Subp. 2. **Form.**

SATISFACTION OF MECHANIC'S LIEN

Form No. 83-M

Miller/Davis Co., Minneapolis (12-18-85)
Minnesota Uniform Conveyancing Blanks (1985)

By Individual

Satisfaction of
Mechanic's Lien

Date: _____, 19__

(reserved for recording data)

THAT CERTAIN MECHANIC'S LIEN owned by the undersigned, the verified statement and claim for which is dated _____, 19__, executed by _____ and filed for record _____, 19__, as Document Number _____ (or in Book _____ of _____ Page _____), in the Office of the (County Recorder) (Registrar of Titles) of _____ County, Minnesota, is, with the indebtedness thereby secured, fully paid and satisfied.

STATE OF MINNESOTA

COUNTY _____

} ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 19__, by _____

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS)

SIGNATURE OF PERSON TAKING ACKNOWLEDGEMENT

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

2820.4780 FORM 84-M: SATISFACTION OF MECHANIC'S LIEN BY CORPORATION OR PARTNERSHIP.

Subpart 1. **Scope.** The recommended form for a satisfaction of a mechanic's lien by a corporation or partnership is contained in subpart 2.

Subp. 2. **Form.**

SATISFACTION OF MECHANIC'S LIEN
By Corporation or Partnership

Form No. 84-M

Miller, Davis Co., Minneapolis (12-18-85)
Minnesota Uniform Conveyancing Blanks (1985)

Satisfaction of Mechanic's Lien

Date: _____, 19____

(reserved for recording data)

THAT CERTAIN MECHANIC'S LIEN owned by the undersigned, a _____
under the laws of _____, the verified statement and claim for which is
dated _____, 19____, executed by _____

and filed for record _____, 19____, as Document Number _____
(or in Book _____ of _____ Page _____), in the Office of the (County Recorder)
(Registrar of Titles) of _____ County, Minnesota, is, with the indebtedness
thereby secured, fully paid and satisfied.

By _____
Its _____

By _____
Its _____

STATE OF MINNESOTA

COUNTY _____ } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____ and _____,
the _____ and _____
of _____, a _____
under the laws of _____, on behalf of the _____.

THIS INSTRUMENT WAS DRAFTED BY: (NAME AND ADDRESS)

SIGNATURE OF PERSON TAKING ACKNOWLEDGEMENT

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR BANK)

2820.4790 FORM 120-M: RECEIPT AND WAIVER OF MECHANIC'S LIEN RIGHTS.

Subpart 1. **Scope.** The recommended form for a receipt and waiver of mechanic's lien rights is contained in subpart 2.

Subp. 2. **Form.**

Form No. 120—M

Miller/Davis Co., Minneapolis (7-17-85)
Minnesota Uniform Conveyancing Blanks (1985)

RECEIPT AND WAIVER OF MECHANIC'S LIEN RIGHTS

Dated: _____, 19__

The undersigned hereby acknowledges receipt of the sum of \$ _____

CHECK ONLY ONE

- 1) as partial payment for labor, skill and material furnished
- 2) as payment for all labor, skill and material furnished or to be furnished (except the sum of \$ _____ retainage or holdback)
- 3) as full and final payment for all labor, skill and material furnished or to be furnished to the following described real property: (legal description, street address or project name)

and for value received hereby waives all rights acquired by the undersigned to file or record mechanic's liens against said real property for labor, skill or material furnished to said real property (only for the amount paid if Box 1 is checked, and except for retainage shown if Box 2 is checked). The undersigned affirms that all material furnished by the undersigned has been paid for, and all subcontractors employed by the undersigned have been paid in full, EXCEPT:

 By _____
 _____ (Title)
 _____ (Address)

NOTE: If this instrument is executed by a corporation, it must be signed by an officer, and if executed by a partnership, it must be signed by a partner.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

2820.5500 FORM 122-M: AFFIDAVIT BY INITIAL TRANSFEREE (INDIVIDUAL).

Subpart 1. **Scope.** The recommended form for an affidavit by an initial transferee (individual) is contained in subpart 2.

Subp. 2. **Form.**

AFFIDAVIT BY AN INITIAL TRANSFEREE
Pursuant to Minn. Stat. Sec. 523.11, subd. 4 (1984)
By Individual

Form No. 122-M

Miller/Davis Co., Minneapolis (7-17-85)
Minnesota Uniform Conveyancing Blanks (1985)

Affidavit By An Initial Transferee

STATE OF MINNESOTA

COUNTY OF _____

} ss.

(reserved for recording data)

being first duly sworn, on oath says that:

1. Affiant is an initial transferee named in that certain deed dated _____, 19____, and filed for record _____, 19____, as Document Number _____ (or in Book _____ of _____ Page _____), in the Office of the (County Recorder) (Registrar of Titles) of _____ County, Minnesota, from _____, as Attorney-in-Fact for _____, as Grantor and principal, relating to real property in _____ County, Minnesota, legally described as follows:

(If more space is needed, continue on back)

2. Affiant had not received, at the time of the conveyance, a written instrument of revocation of that certain Power of Attorney dated _____, 19____, and filed for record _____, 19____, as Document No. _____ (or in Book _____ of _____ Page _____), in the Office of the (County Recorder) (Registrar of Titles) of _____ County, Minnesota.

Subscribed and sworn to before me this

_____ day of _____, 19____

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

2820.5600 FORM 123-M: AFFIDAVIT BY AN INITIAL TRANSFEREE (CORPORATION OR PARTNERSHIP).

Subpart 1. **Scope.** The recommended form for an affidavit by an initial transferee (corporation or partnership) is contained in subpart 2.

Subp. 2. Form.

AFFIDAVIT BY AN INITIAL TRANSFEREE **Form No. 123-M** Miller/Davis Co., Minneapolis (7-17-85)
Pursuant to Minn. Stat. Sec. 523.11, subd. 4 (1984) Minnesota Uniform Conveyancing Blanks (1986)
By Corporation or Partnership

**Affidavit By An
Initial Transferee**

STATE OF MINNESOTA

COUNTY OF _____

} ss.

(reserved for recording data)

being first duly sworn, on oath says that:

1. Affiant is (a) (the) _____
of _____,
a _____ under the laws of _____,
an initial transferee named in that certain deed dated _____, 19____,
and filed for record _____, 19____, as Document Number _____
(or in Book _____ of _____ Page _____), in the Office of
the (County Recorder) (Registrar of Titles) of _____ County, Minnesota,
from _____, as
Attorney-in-Fact for _____,
as Grantor and principal, relating to real property in _____ County, Minnesota,
legally described as follows:

(If more space is needed, continue on back)

2. The above initial transferee had not received, at the time of the conveyance, a written instrument of revocation of that certain Power of Attorney dated _____, 19____, and filed for record _____, 19____, as Document No. _____ (or in Book _____ of _____ Page _____), in the Office of the (County Recorder) (Registrar of Titles) of _____ County, Minnesota.

Subscribed and sworn to before me this

_____ day of _____, 19____

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

PROPOSED RULES

2820.5700 FORM 124-M: AFFIDAVIT OF AUTHORITY OF SUCCESSOR ATTORNEY-IN-FACT.

Subpart 1. **Scope.** The recommended form for an affidavit of authority of successor attorney-in-fact is contained in subpart 2.

Subp. 2. **Form.**

AFFIDAVIT OF AUTHORITY
Pursuant to Minn. Stat. Sec. 523.16 (1984)

Form No. 124-M

Miller/Davis Co., Minneapolis (7-17-85)
Minnesota Uniform Conveyancing Blanks (1985)

**Affidavit of Authority
of Successor Attorney-in-Fact**

STATE OF MINNESOTA

COUNTY OF _____

} ss.

(reserved for recording data)

being first duly sworn, on oath says that:

1. Affiant is the successor Attorney-in-Fact under that certain Power of Attorney dated _____, 19____, and filed for record _____, 19____, as Document Number _____ (or in Book _____ of _____ Page _____), in the Office of the (County Recorder) (Registrar of Titles) of _____ County, Minnesota, from _____, as Grantor and principal, to _____, as Attorney-in-Fact, relating to real property in _____ County, Minnesota, legally described as follows:

(If more space is needed, continue on back)

2. The Power of Attorney provides as conditions precedent to affiant's authority to act, the following:

3. Those conditions have occurred.

Subscribed and sworn to before me this

_____ day of _____, 19____.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

2820.8000 FORM 121-M: REVOCATION OF POWER OF ATTORNEY.

Subpart 1. Scope. The recommended form for a revocation of a power of attorney is contained in subpart 2.

Subp. 2. Form.

REVOCATION OF POWER OF ATTORNEY
Pursuant to Minn. Stat. Sec. 523.11, subd. 2 (1984)

Form No. 121-M

Miller/Davis Co., Minneapolis (7-17-85)
Minnesota Uniform Conveyancing Blanks (1985)

Revocation of
Power of Attorney

(reserved for recording data)

Date: _____, 19____

KNOW ALL BY THESE PRESENTS, that _____
_____ hereby revokes that certain Power of Attorney dated _____, 19____,
and filed for record _____, 19____, as Document Number _____
(or in Book _____ of _____ Page _____), in the Office of the
(County Recorder) (Registrar of Titles) of _____ County, Minnesota,
from _____, as Grantor and principal,
to _____, as Attorney-in-Fact,
relating to real property in _____ County, Minnesota, legally described as follows:

(If more space is needed, continue on back)

STATE OF MINNESOTA

COUNTY OF _____

} ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

NOTE: To constitute "actual notice of revocation" in a real property transaction under
Minn. Stat. Sec. 523.11, subd. 2 (1984), this document must be recorded or filed.

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PROPOSED RULES

Department of Labor and Industry Workers' Compensation Division

Proposed Amendments to Rules Governing Workers' Compensation; Division of Rules of Practice

Notice of Hearing

Notice is hereby given that a public hearing will be held in the above-captioned matter pursuant to Minn. Stat. § 14.14, subd. 1 (1984). The hearing will take place in Room 112 State Capitol Building, Aurora Avenue, St. Paul, Minnesota on July 2, 1986, commencing at 9:00 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. Interested persons or groups are encouraged to participate in the hearing process by submitting oral or written statements, data, and arguments before, during, and after the hearing. The proposed rules may be modified as a result of the hearing process.

After the agency has completed its presentation of the evidence in support of the proposed rules at the hearing, interested persons and groups shall be invited to ask questions, to comment orally or in writing, and to submit written material. In addition, written material may be recorded in the hearing record if submitted before the hearing or within 5 working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during the comment period shall be available for review at the Office of Administrative Hearings. The Department of Labor and Industry and interested persons may respond in writing within three business days after the submission period ends to any new information submitted, but may not present additional evidence during the three-day period. Written material may be submitted to:

Allan W. Klein
Administrative Law Judge
Office of Administrative Hearings
400 Summit Bank Building
310 Fourth Avenue South
Minneapolis, Minnesota 55415
Telephone: (612) 341-7609

Statutory authority to promulgate the proposed amendments to rules appears in Minn. Stat. §§ 175.17(2) and 176.83, subs. 1, 7, 8, 9 and 15 (1984). These proposed amendments to rules revise and expand the Rules of Practice of the Workers' Compensation Division found in Minn. Rules, part 5220.2500-5220.5000. The Rules of Practice provide procedural rules for the handling of nonlitigated workers' compensation claims before the Department of Labor and Industry. They include procedures for filing medical reports and notices, attorney fee requests following administrative conferences, peace officer death benefit claims, and procedures for administrative conferences, penalty assessments, allocation of dependency benefits, commencement of payment and other miscellaneous procedures.

A copy of the proposed rules follows this notice in the *State Register*. One free copy of the proposed rules may be obtained by contacting Julie Kress at (612) 296-8184, 444 Lafayette Road, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, Subd. 11 (1984) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

Any person may request notification of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge.

Any person may request notification of the date on which the rules were adopted and filed with the secretary of state. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the secretary of state.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Pursuant to Minn. Stat. § 14.115, subd. 1 (1984), the impact on small business has been considered in the promulgation of the rules and is set forth in the Statement of Need and Reasonableness. Pursuant to Minn. Stat. § 14.115, subd. 4(a) (1984), notice is hereby given that the proposed rules will not have an impact on small businesses. Anyone wishing to present evidence or argument as to the effect of the rule on small business may do so at the hearing.

The fiscal impact of these rules on local public bodies has been considered in the promulgation of these rules. The agency's conclusion that there is no fiscal impact pursuant to Minn. Stat. § 14.11, subd. 1 (1984) is set forth in the Statement of Need and Reasonableness.

The rules hearing procedure is governed by the Administrative Procedure Act, Minn. Stat. § 14.14 to 14.20, and by Minnesota Rules, parts 1400.0200-1400.1200. Questions about procedures may be directed to Allan W. Klein, Administrative Law Judge at the above address.

19 May 1986

STATE OF MINNESOTA
Steve Keefe
Commissioner of Labor and Industry

Department of Labor and Industry

Proposed Amendments to Proposed Rules Relating to Workers' Compensation; Division Rules of Practice

Rules as Proposed

5220.2550 PAYMENT OF PERMANENT PARTIAL DISABILITY.

Subpart 1. [Unchanged.]

Subp. 2. **Notice to division.**

A. [Unchanged.]

B. For injuries on or after January 1, 1984, when the insurer makes a lump sum payment of permanent partial disability benefits or begins periodic payment ~~or determines a disability rating~~, the employer or insurer shall serve on the employee and file with the division a notice of permanent partial disability benefits which must be on a form prescribed by the commissioner, containing substantially, but not limited to, the following information:

(1) to (13) [Unchanged.]

Subp. 3. and 4. [Unchanged.]

5220.2560 ATTACHMENT AND GARNISHMENT OF BENEFITS.

Workers' compensation benefits are not subject to attachment or garnishment, although they may be withheld under Minnesota Statutes, sections 518.54, subdivision 6 and 518.611, and paid ~~to the county~~ for child support or spousal maintenance. If the other requirements of those statutes are met, the insurer shall file with the division a statement of the amount being withheld from the employee's benefits and paid to the county or obligee, a copy of the order for withholding of income, and verification of payments made ~~to the county~~.

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PROPOSED RULES

5220.2570 DENIALS OF LIABILITY.

Subpart 1. [Unchanged.]

Subp. 2. **Denial of liability form.** A denial of liability under Minnesota Statutes, section 176.221, subdivision 1 (except a letter denial under subpart 4 or 5) must be on a form prescribed by the commissioner, containing substantially, but not limited to, the following:

A. to G. [Unchanged.]

H. the address and telephone ~~numbers~~ number of the division offices for the employee ~~can~~ to contact for further information;

I. and J. [Unchanged.]

Subp. 3. **Notice of intention to discontinue benefits.** A denial of liability filed more than 30 days after notice to or knowledge by the employer of a work-related injury which is required to be reported to the commissioner under Minnesota Statutes, section 176.231, subdivision 1, and for which benefits have been paid must be made by a notice of intention to discontinue benefits under part 5220.2630 and must clearly indicate that its purpose is to deny liability for the entire claim. ~~The notice must advise the employee of the statute of limitations for commencing a claim related to this injury.~~

Subp. 4. to 6. [Unchanged.]

Subp. 7. **Time for filing.** Denials of liability must be filed with the division within the following time limits:

A. A denial under subpart 2 must be filed within 14 days of notice to or knowledge by the employer of an injury which is required to be reported to the commissioner under Minnesota Statutes, section 176.231, subdivision 1. A denial under subpart ~~3~~ 2 must be filed within 30 days after notice or knowledge where an extension has been requested in the event of a new period of temporary total or if payment has commenced. After the 30-day period, a denial must be filed under subpart 3.

B. A denial of liability under subpart 3 must be filed in accordance with part 5220.2630, subpart 4.

C. [Unchanged.]

Subp. 8. [Unchanged.]

Subp. 9. **Penalty.** Failure to pay or deny in a timely manner may result in the assessment of the ~~penalty~~ penalties set out in parts 5220.2770 and 5220.2790.

5220.2580 CLAIM FOR REFUND FROM EMPLOYEE OR DEPENDENT.

Subpart 1. **Request for refund.** All requests for refunds or reimbursements by an employer or insurer for payments made under a mistake of fact or law, which were allegedly not received by an employee or dependent in good faith, must be made in writing to the employee with a copy immediately mailed to the attorney representing the employee or dependent, if any, and to the division.

Subp. 2. **Contents of request.** All requests must clearly indicate the basis for believing payments were not received in good faith, and set forth the following information:

A. to D. [Unchanged.]

E. a statement informing the employee that, if the employee has any questions regarding the legal obligations to repay any claims for overpayment alleged to have not been received in good faith, the employee should contact either a private attorney or the division.

5220.2590 MEDICAL REPORTS.

Subpart 1. [Unchanged.]

Subp. 2. **Physician's first report.** Promptly after the first treatment or evaluation of an employee who alleges to have incurred injury on the job, the physician shall complete a physician's first report form and submit it to the insurer if known, or the division if the insurer is not known. The physician's first report must be on the form prescribed by the commissioner, containing substantially, but not limited to, the following:

A. [Unchanged.]

B. the name of the patient;

C. the address of the patient;

D. to V. [Unchanged.]

If a physician's first report is not submitted within ten days of a written request, the division may assess a penalty under Minnesota Statutes, section 176.231, subdivision 10 and part 5220.2830, subpart 1. Failure to release existing medical data may also result in assessment of a penalty under part ~~5220.2870~~ 5220.2810.

5220.2610 ADMINISTRATIVE CONFERENCES.

Subpart 1. [Unchanged.]

Subp. 2. **Notice.** The division must promptly notify the parties of the date, time, and place of the conference. The qualified rehabilitation consultant, if one is assigned, must be notified of a rehabilitation conference. The special compensation fund must be notified of all administrative conferences where the fund is reimbursing benefits to an insurer or self-insurer under Minnesota Statutes, section 176.131 or 176.132, or a claim has been made under the above referenced statutes against the fund for benefits by any of the parties, or the fund is paying benefits under Minnesota Statutes, section 176.191. The notice must explain the purpose of the conference. Telephone notice is sufficient for a discontinuance or return to work conference if timely service of notice by mail cannot be made.

Subp. 3. to 5. [Unchanged.]

5220.2620 MEDICAL CONFERENCES.

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meanings given them.

"Medical issues" refers to all health care rendered under Minnesota Statutes, sections 176.135 and 176.136 and determinations under Minnesota Statutes, section 176.103, and includes:

A. to J. [Unchanged.]

K. the relationship of the health care to the work injury;

L. whether treatment for a medical condition is required as a result of a work-related injury;

M. the assessment of penalties for untimely response to medical billings; and

~~L.~~ N. other problems related to medical treatment and supplies.

Subp. 2. to 4. [Unchanged.]

Subp. 5. **Medical claim; denial of liability.** If an M-4 form has been mistakenly filed in a case in which initial issues of liability within the jurisdiction of the office exist, the matter will be certified to the office for hearing if the petitioner has standing to file a litigated claim. The date of filing of the form with the section is used by the office to determine when the hearing will be held. After initial issues over which the division does not have jurisdiction have been resolved, any remaining medical issues shall be scheduled for an administrative conference in accordance with this part 5220.2610.

Subp. 6. **Conciliation of medical issues.** The division may attempt to resolve medical issues through telephone contact with the parties, if appropriate. If no resolution is reached, the division will schedule an administrative conference in accordance with this part 5220.2610.

Subp. 7. **Medical claim; change of physician.** An injured employee seeking a change of physician shall contact the insurer and request the insurer's consent to the change. If the insurer consents to the change, the division need not authorize the change. If a party seeks a change of physician and the parties cannot agree to the change, the party requesting the change must file an M-10 form with the section under subpart 2 stating the reason for the request, the names of the present and proposed physicians, and whether an administrative conference is requested. The adverse party shall respond under subpart 2. The division may attempt to resolve the dispute through telephone contact with the parties, if appropriate. If no resolution is reached, the division must schedule an administrative conference in accordance with this part 5220.2610. If the adverse party defaults by failing to respond to the proposed change of physician within 20 days of the filing of the M-10 form, the change must be granted absent a compelling reason to deny the request.

Subp. 8. **Medical and other issues on claim petition.**

A. and B. [Unchanged.]

A compensation judge may approve a stipulation for settlement of medical issues under part 1415.2000. If the medical issues are not resolved by agreement at the hearing, the matter must be immediately referred to the division to set for an administrative conference. An administrative conference in accordance with this part 5220.2610 will be scheduled if conciliation is not attempted or is unsuccessful. If evidence was presented at the hearing related to medical issues under part 1415.2900, subpart 3, item F, which a party wishes considered at the conference, that party shall identify the portion of the hearing record to be considered. At the conference, the parties must submit the information they wish to be considered.

Subp. 9. and 10. [Unchanged.]

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PROPOSED RULES

Subp. 11. **Appeal.** An appeal of the decision shall be as provided in part 5217.0030 (joint rules for the rehabilitation review panel and the medical services review board) or to a compensation judge if the issue is medical causation.

Subp. 12. [Unchanged.]

5220.2630 DISCONTINUANCE OF COMPENSATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Notice of discontinuance.**

A. The employer or insurer may discontinue ~~compensation~~ the benefit indicated by the filing of a notice of discontinuance with the division and service of the notice on the other parties at the time that the payment or return-to-work occurs when the discontinuance results from:

(1) [Unchanged.]

(2) a lump sum payment of full ~~impairment compensation, economic recovery compensation, or permanent partial disability compensation;~~

(3) and (4) [Unchanged.]

(5) for injuries occurring before August 1, 1975, where the employee is not permanently totally disabled, a final payment of temporary total disability or for injuries occurring before May 28, 1977, a final payment of temporary partial disability based on a statutory maximum number of weekly payments.

B. [Unchanged.]

C. ~~The discontinuance is effective on the date stated in the notice, provided that the stated date must be no earlier than the date the notice is served on the employee and filed with the division. If the basis of discontinuance is return to work, that date shall be stated in the notice and the discontinuance is effective on the date the employee returned to work.~~

~~D.~~ If the reason for the discontinuance is the employee's return to work and the employee has received temporary total or temporary partial compensation for 45 work days prior to the return to work and no approved rehabilitation plan is in effect at the time the 14-day check under Minnesota Statutes, section 176.243, subdivision 1, is due, a 14-day check must be made and an administrative conference may be requested under part 5220.2650.

~~E.~~ D. The employee may object to the discontinuance by filing an objection to discontinuance under Minnesota Statutes, section 176.241, with the division. This commences a formal action. The case will then be referred to the office and scheduled for hearing under part 1415.2100. The burden of establishing the basis for the discontinuance is on the party proposing the discontinuance.

Subp. 4. **Notice of intention to discontinue benefits.**

A. To discontinue temporary total, temporary partial, or permanent total benefits in situations not specified in subpart 3, the employer or insurer must serve upon the employee and file with the division a notice of intention to discontinue benefits or a petition under subpart 2. The notice must be accompanied by a form prescribed by the commissioner ~~containing the employer's name, the date of the injury or disease, and the name, social security number, and address of the employee~~ with which to request an administrative conference on the proposed discontinuance which contains the employer's name, the date of the injury or disease, and the name, social security number, and address of the employee.

B. to E. [Unchanged.]

Subp. 5. and 6. [Unchanged.]

5220.2640 DISCONTINUANCE CONFERENCES.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Scheduling.** Subject to subpart 5, a discontinuance conference must be set within the time limits set by this subpart. Following a notice of intention to discontinue benefits, the division shall schedule an administrative conference no later than ten calendar days after the division's receipt of a timely request for a conference. If no notice of intention to discontinue benefits was filed as required by part 5220.2630, ~~subpart 8~~ and the employee requests a conference, the division shall schedule a conference no later than ten calendar days after the division's receipt of the employee's request if the conference request is received within 40 days from the date the employee's last benefit payment was received. If no notice of intention to discontinue benefits has been filed where an employer or insurer requests a conference, the division shall schedule an administrative conference to be held no later than 30 days after receipt of the request.

Subp. 5. to 9. [Unchanged.]

5220.2650 RETURN TO WORK CONFERENCES.

Subpart 1. [Unchanged.]

Subp. 2. **Scope.** This part applies when an employee has received temporary total or temporary partial compensation for a total of at least 45 work days whether continuously or intermittently; and no rehabilitation plan in effect at the time the 14-day check is due has been approved under part 5220.0400, subpart 2. In addition, a return to work conference is also available when properly requested by the employee under subpart 4 and Minnesota Statutes, section 176.2421 because of an inability to work at least 14 ~~working work~~ days upon the employee's return to work.

Subp. 3. **Notice regarding employment and wages.** Upon completion of a 14-day employment and wage confirmation but no later than ten days following the 14-day check under Minnesota Statutes, section 176.243, if the employee is not working or is earning a lower wage than at the time of injury, the insurer must file a notice regarding employment and wages. The notice must be accompanied by the form prescribed by the commissioner to request an administrative conference to object to the action taken, containing the items listed in subpart 4. The notice must be on the form prescribed by the commissioner, containing substantially the following:

A. to M. [Unchanged.]

Subp. 4. **Request.** The employee may request an administrative conference to discuss the action taken by the insurer upon the employee's return to work. The employee must request a conference no later than ten calendar days from the date the insurer's notice to the commissioner regarding employment status and wages was ~~mailed to or personally served on the employee~~ received by the division. Alternatively, the employee may request a conference no later than ten calendar days from the day the employee ceased working if the employee ceased working within the first 14 working days following the employee's return to work due to medical reasons associated with the injury. However, if a notice of discontinuance was not filed when the employee returned to work, the employee may request an administrative conference under Minnesota Statutes, section 176.2421 within 40 days after the employee returned to work. Allowance will be made, if appropriate, for nonreceipt or delay under Minnesota Statutes, section 176.285. The request must include the employee's name, address, and social security number; the date of injury or disease; the employer's name and address, and the insurer's claim number, if known. If a notice regarding employment and wages was required under subpart 3, but has not been filed, the employee may request a return to work conference at any time within 64 days of the employee's return to work after the notice was due but no later than ten days after the notice is served and filed by the insurer.

Subp. 5. **Payment of benefits pending conference.** If the insurer has properly discontinued compensation under a notice of discontinuance before the employee ceases working, the insurer is not obligated to pay benefits pending a decision of the commissioner. If the insurer has voluntarily commenced payment upon the employee's cessation of work, compensation must continue to be paid until a proper notice of intention to discontinue benefits or notice of discontinuance of benefits under part ~~5220.2640~~ 5220.2630 is filed, or until a decision of the commissioner is made subsequent to an administrative conference, whichever occurs first.

Subp. 6. to 8. [Unchanged.]

5220.2680 SECOND INJURY LAW.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Effect of acceptance.** The application for registration with satisfactory medical evidence when accepted by the division is prima facie evidence of the existence of the named "physical impairment" shown on the application, but is not determinative of ~~registration~~, and the burden of proof upon the issue of impairment, if contested at any time prior to ~~the~~ a subsequent injury, is upon the party asserting its existence.

Subp. 4. **Acceptance or rejection, hearing.** Should the division deem the application unacceptable prior to the subsequent injury, the applicant may, within 60 days following the receipt of notice of rejection, petition the division in writing for a hearing upon the application. A copy of the petition must be served by the applicant upon the ~~state treasurer~~ fund administrator, custodian of the special compensation fund, and upon the attorney general. Upon receipt of the petition, the division must set the matter for hearing, which must be conducted as provided by Minnesota Statutes, section 176.411, with right of appeal.

Subp. 5. and 6. [Unchanged.]

5220.2690 THIRD-PARTY RECOVERY.

Subpart 1. **Duty to inform division.** Any employer or insurer, learning of a third-party recovery or settlement arising out of a

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PROPOSED RULES

personal injury for which the employer or insurer is or may be liable, shall inform the division of the possible, pending, or completed third-party action, indicating:

A. to E. [Unchanged.]

F. if the employee is not represented by an attorney in the third-party action, or if the name of the attorney is not known, the name and address of the insurer for the third party, together with the name of their insured and any identifying file or claim numbers.

Subp. 2. [Unchanged.]

5220.2720 IMPROPER DISCONTINUANCES; PENALTY.

Subpart 1. **Basis.** A penalty assessment for improper discontinuance will be made by the division if appropriate where:

A. to C. [Unchanged.]

D. an administrative conference was requested and the request was not withdrawn, the discontinuance occurred before the administrative conference was held, except where the employee requests a continued conference date and ongoing benefits are not awarded; or

E. when a notice of intention to discontinue benefits is required to be filed but the discontinuance is retroactive, taking effect prior to the date that the notice of intention to discontinue benefits is served and filed with the division or served on the employee.

Subp. 2. **Amount.** When the division makes a determination under subpart 1, notice will be given and fines assessed as follows:

A.(1) If an employer or insurer has not ~~previously~~ had a penalty assessed in the two-year period before the assessment for violation of a particular item in subpart 1, the division will send a warning notice to the employer or insurer that the division has determined the discontinuance is improper. The warning notice will direct the employer or insurer to reinstate pay the improperly-discontinued benefits and serve and file any required notice of discontinuance within ten days of service of notice or a penalty will be assessed.

(2) If the improperly-discontinued benefits are not ~~reinstated or a paid and~~ any proper discontinuance filed within the ten days allowed, the division will send notice that a \$100 penalty is imposed.

(3) If ~~the benefits are not reinstated~~ these actions are still not taken within 20 days after service of the warning notice, a penalty of an additional \$200 will be imposed.

(4) In addition to the penalties assessed under items B and C, if ~~the benefits are not reinstated~~ these actions are not taken within 30 days after service of the warning notice, a penalty of an additional \$200 will be imposed.

B.(4) If an employer or insurer has had a penalty assessed in the two-year period before the assessment for violation of an item in subpart 1 and again violates the same item;

(1) The division will send notice that a \$100 penalty is imposed.

(2) If ~~the benefits are not reinstated~~ the improperly-discontinued benefits are not paid and any required notice of discontinuance served and filed within ten days after service of the first penalty assessment on that file, a penalty of an additional \$200 will be imposed.

(3) ~~In addition to the penalties assessed under subitems (1) and (2),~~ If ~~benefits are not reinstated~~ these actions are still not taken within 20 days after service of the first penalty assessment, a penalty of an additional \$200 will be imposed.

C. If that employer or insurer has been issued five or more penalties for violations under part 5220.2720 in a six-month period, a separate penalty of \$500 for each additional violation within that six-month period will be assessed.

D. [Unchanged.]

Subp. 3. [Unchanged.]

5220.2730 IMPROPER FOLLOW-UP ON RETURN TO WORK; PENALTY.

Subpart 1. [Unchanged.]

Subp. 2. **Amount.** When the division makes a determination of violation under subpart 1, notice will be given and fines assessed as follows:

A.(1) If ~~the violation is the first violation by the employer or insurer of the requirement an insurer has not had a penalty assessed in the two-year period before the assessment for a violation under subpart 1,~~ a warning letter will be sent by the division to the employer or insurer giving notice that the action or inaction by the ~~employer insurer~~ was improper. Suggested remedial steps will be listed ~~giving acceptable alternative actions~~ and a time limit for action of ten days from the date of service of the notice. Warning of possible penalty assessments must be included in the letter;

(2) If, after ten days from the date of service of the warning letter, the improper action or inaction has not been corrected,

a ~~fine~~ penalty of \$100 will be assessed. Warning of possible further penalty will be given if action to correct is not taken within ten days of the \$100 assessment;

(3) If, after 20 days from the date of service of the warning letter, the improper action or inaction has not been corrected, penalty of an additional \$200 will be assessed;

(4) If, after 30 days from the date of service of the warning letter, the improper action or inaction has not been corrected, penalty of an additional \$200 will be assessed;

(5) ~~Further violations~~ Continuing violation may result in a penalty of an additional \$500.

B.(1) ~~If the violation is not the first violation by the employer or insurer of the requirement an insurer has had a penalty assessed in the two-year period before the assessment for violation under subpart 1,~~ the division will send notice that a ~~fine~~ penalty of \$100 is assessed. Warning of possible further penalty if action to correct is not taken within ten days of the \$100 assessment will be given;

(2) If, after ten days from the date of service of the assessment under subitem (1), the improper action or inaction has not been corrected, a ~~fine~~ penalty of an additional \$200 will be assessed;

(3) If, after 20 days from the date of service of the assessment under subitem (1), the improper action or inaction has not been corrected, a fine of an additional \$200 will be assessed;

(4) ~~Further violations~~ Continuing violation may result in a penalty assessment of an additional \$500.

C. If the ~~employer or~~ insurer has been issued penalties for five violations in the preceding six months, a separate penalty of \$500 for each additional violation within the six-month period will be assessed.

D. [Unchanged.]

Subp. 3. [Unchanged.]

5220.2740 FAILURE TO MAKE TIMELY PAYMENT OF MEDICAL CHARGES; PENALTY.

Subpart 1. **Basis.** Under Minnesota Statutes, section 176.221, subdivision 6a, a penalty may be assessed where payment of medical charges is not made in a timely manner as provided in part 5221.0600.

Subp. 2. **Amount.** Under Minnesota Statutes, section 176.221, subdivision ~~6a~~ 3, a penalty of up to 100 percent of the amount owing shall be assessed unless the commissioner determines, pursuant to subpart 3, that either no penalty or a lesser amount should be assessed. Upon receipt of information that payment of a medical charge has not been made in a timely manner, the commissioner shall notify the payer of the complaint and provide warning that a penalty may be assessed. If notice is given on an M-4 or M-10 form, the commissioner need not provide additional notice or warning.

Alternatively, a penalty of up to \$1,000 under Minnesota Statutes, section 176.221, subdivision 3a, for failure to make payment may be assessed.

Subp. 3. and 4. [Unchanged.]

5220.2750 FAILURE TO MAKE TIMELY PAYMENT OF ECONOMIC RECOVERY COMPENSATION OR IMPAIRMENT COMPENSATION; PENALTY.

Subpart 1. [Unchanged.]

Subp. 2. **Amount.** Under Minnesota Statutes, section 176.221, ~~subdivision~~ subdivisions 3 and 6a, a penalty of up to 100 percent of the amount owing may be assessed. Where payment is less than ten days late, a penalty of ~~up to~~ up to 25 percent may be assessed. Where payment is at least ten but less than 20 days late, a penalty of ~~up to~~ up to 50 percent may be assessed. Where payment is at least 20 but less than 30 days late, a penalty of ~~up to~~ up to 75 percent may be assessed. Payment 30 or more days late may result in the 100 percent penalty assessment.

In considering the amount of the assessment, the commissioner's designee shall take into consideration at least the following factors:

~~A.~~ the length of the delay;

~~B.~~ the amount of the claim;

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

- ~~C.~~ the effort made to comply;
- ~~D.~~ the past record of payment by this insurer; and
- ~~E.~~ the complexity of the issues involved.

Subp. 3. [Unchanged.]

5220.2760 ADDITIONAL AWARD AS PENALTY.

Subpart 1. **Basis.** Penalties under Minnesota Statutes, section 176.225, subdivision 1, in an amount up to 25 percent of the total amount of the compensation award may be assessed on the grounds listed in that section, including:

A. underpaying, delaying payment of, or refusing to pay within 14 days of the filing of an order by the division or a compensation judge the Workers' Compensation Court of Appeals or the Minnesota Supreme Court unless the order is appealed within the time limits for an appeal;

B. and C. [Unchanged.]

Subp. 2. and 3. [Unchanged.]

5220.2770 FAILURE TO PAY OR DENY; PENALTY.

Subpart 1. [Unchanged.]

Subp. 2. **Amount.** The commissioner's designee must use the following procedure to determine the amount of the penalty.

A. [Unchanged.]

B. Calculation of the amount of the penalty will be in the following manner:

(1) the 14-day period is first calculated. The period will begin on the next day after either the first day of lost time or day of notice, whichever is latest;

(2) and (3) [Unchanged.]

(4) amount:

(a) If payment is two or more than two weeks late the penalty is calculated at 100 percent of the compensation to which the employee is entitled at the time of payment or at the time of assessment if payment has not yet been made.

(b) [Unchanged.]

C. Where an old injury recurs causing disability, an extension under Minnesota Statutes, section 176.221, subdivision 1, is filed, and payment is not made within 30 days, calculation of the amount owing under item B shall be made with using a grace period of 30 days rather than 14 days.

D. Where no compensation has been paid but the insurer has failed to file a denial of liability within the statutory 14- or 30-day limit on a claim required to be reported to the division, a penalty of up to \$1,000 for violations occurring after April 24, 1984, may be assessed under Minnesota Statutes, section 176.221, subdivision 3a.

In considering the amount of the assessment, the commissioner's designee shall take into consideration at least the following factors:

(1) the length of the delay;

(2) ~~the adequacy of the notice to the employer;~~

~~(3)~~ the amount of the claim;

~~(4)~~ (3) efforts made to comply;

~~(5)~~ (4) the past record of payment by this insurer; and

~~(6)~~ (5) the complexity of the issues involved.

Subp. 3. [Unchanged.]

Subp. 4. **Repeated failure.** An insurer that has been penalized for failure to pay benefits ~~within three days of the due date~~ or deny under Minnesota Statutes, section 176.221, on five or more percent of their claims required by statute to be filed within a given calendar year will be subject to the action set out in Minnesota Statutes, section 176.231, subdivision 2.

5220.2780 FAILURE TO PAY UNDER ORDER OR PROVIDE REHABILITATION UNDER ORDER; PENALTY.

Subpart 1. **Basis.** Where payment of compensation is not made within 14 days following an order as required by Minnesota Statutes, section 176.221, subdivisions 6a and 8, the division may assess the penalties provided in Minnesota Statutes, section 176.221, subdivisions 3 and 3a. Where rehabilitation services are not provided ~~within 14 days following an order of the division as~~

required by Minnesota Statutes, ~~section~~ sections 176.102, 176.221, subdivision 6a, and part 5220.0300, the division may assess the penalty provided in Minnesota Statutes, section 176.221, subdivision 3a.

Subp. 2. and 3. [Unchanged.]

5220.2790 INEXCUSABLE DELAY IN MAKING PAYMENT.

Subpart 1. [Unchanged.]

Subp. 2. **Amount.** The amount of the increase in payment under Minnesota Statutes, section 176.225, subdivision 5, for a delay under subpart 1, item A, is calculated ~~in the same manner as the calculation of penalty as ten percent of the amount in part 5220.2770 except that only ten percent of the penalty assessed therein will be assessed under this part, subpart 2, item B, subitem (4), unit (a).~~

The amount of the increase in payment assessed under subpart 1, item B, will be calculated at ten percent of the payment found to be delayed.

Subp. 3. **Payable to.** The amount of any penalty assessed under this part is payable to the employee ~~at the employee's home address.~~

Subp. 4. **Assessment.**

A. The procedure for assessment of a penalty under subpart 1, item A, must be made as provided in part 5220.2770 except that only ten percent of that amount shall be assessed as a penalty under this part.

B. and C. [Unchanged.]

5220.2810 FAILURE TO RELEASE MEDICAL DATA; PENALTY.

Subpart 1. **Application for penalty.** Any party or the division may request a penalty assessment against ~~another party or a health care provider~~ a collector or possessor for failure to release medical data in accordance with Minnesota Statutes, section 176.138. The application must be in writing, clearly state the factual basis upon which the penalty is requested, and be accompanied by copies of the written requests for medical data made by the applicant and any response received. The application also must be accompanied by a copy of the written notification to the employee of the request for medical data, unless the employee requested the medical data.

Subp. 2. [Unchanged.]

Subp. 3. **Amount.**

A. The division must send a warning letter before a monetary penalty is assessed. The warning letter must advise the ~~party or health care provider~~ collector or possessor against whom the penalty is sought of the obligation to provide medical data under Minnesota Statutes, section 176.138, and that a penalty will be assessed if it fails to provide the requested data within seven working days after the warning letter and to file written verification of the release of the data or a copy of the data with the division within that time.

B. If the requested data is not provided and written verification filed with the division within seven working days after receipt of the warning letter, a penalty of \$50 shall be imposed. If that party or health care provider has had more than three penalties assessed or warning letters sent for violation of this part in the preceding 12 months, the penalty will be \$200 as well as further penalties under items C and D.

C. and D. [Unchanged.]

Subp. 4. [Unchanged.]

5220.2820 FAILURE TO MAKE TIMELY REPORT OF INJURY; PENALTY.

Subpart 1. **Basis.** A penalty shall be assessed under Minnesota Statutes, section 176.231, subdivision 10, against the employer:

A. [Unchanged.]

B. if any other injury which must be reported to the division occurs and the first report of injury is received by the division more than 14 days after the first day of lost time due to the injury or 14 days after the date when notice was received by the employer, whichever is later.

Subp. 2. and 3. [Unchanged.]

Subp. 4. **Payable to.** The penalty is payable to the ~~treasury of the state of Minnesota~~ special compensation fund.

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PROPOSED RULES

Subp. 5. [Unchanged.]

5220.2830 OTHER FAILURE TO FILE REPORT IN MANNER OR WITHIN TIME LIMITS PROVIDED; PENALTY.

Subpart 1. **Basis.** The division may assess a penalty for failure to file a required report if:

A. a report other than the first report of injury required to be filed by Minnesota Statutes, section 176.231, is not filed in the manner or within the time limitations prescribed; or

B. a report on a form prescribed by the commissioner is requested by the commissioner but is not provided within 21 days of the commissioner's request.

Subp. 2. [Unchanged.]

Subp. 3. **Nonpayment Payable to.** ~~If payment of a penalty assessed under this part is not made within 30 days of its assessment, the matter must be referred for collection~~ The penalty is payable to the special compensation fund.

5220.2870 PENALTY OBJECTION AND HEARING.

A party to whom notice of assessment has been issued may object to the penalty assessment by filing a written objection with the division on the form prescribed by the commissioner. The objection must be served on the special compensation fund, the employee if the penalty is payable to the employee, the insurer and the employer. The objection must be filed and served within 30 days after the date the notice of assessment was served on that party by the division. The written objection must contain a detailed statement explaining the legal or factual basis for the objection and including any documentation supporting the objection. Upon receipt of a timely objection, ~~the division must refer~~ unresolved issues shall be referred for a hearing to determine the amount and conditions of any penalty.

5220.2880 EXAMINATION OF WORKERS' COMPENSATION FILES.

Subpart 1. **Division case.** Persons desiring to examine a file maintained by the division, ~~including a section case file,~~ shall present a written document authorizing their inspection of the file to designated personnel of the division. The authorization must be signed and dated within the preceding six months by a party to the claim who is either the employee, the employer, the insurer, the special compensation fund, a dependent in death cases, or a legal guardian in cases of mental or physical incapacity. The authorization must specify the person or party authorized to review the file. The authorization is placed in and becomes part of the file. Information from division files may not be released over the telephone without the written authorization required by this subpart.

Subp. 2. [Unchanged.]

5220.2890 SERVICE.

Subpart 1. [Unchanged.]

Subp. 2. **Service by parties.** A party shall serve all documents and pleadings by first class mail or by personal service. Service of documents required to be served on a party must also be served on the party's attorney or authorized agent. If service is required, filed documents must be accompanied by an affidavit of mailing or proof of service.

Subp. 3. [Unchanged.]

5220.2910 EXHIBITS.

Subpart 1. **Request for removal.** A request for permission to remove an exhibit or document may be made by the party who submitted the item. A request for removal from the division file must be made to the supervisor of the records section of the division. ~~A request for permission to remove an exhibit or document from the rehabilitation and medical services file must be made to the office manager of the rehabilitation and medical services section.~~

Subp. 2. **Return without consent or notice.** Upon the expiration of 120 days after a decision of the commissioner, if no further proceeding is commenced, exhibits or other documentary evidence may be returned to their source of origin without the consent of the parties or notice to them. A copy of the letter of transmittal of the exhibit or other documentary evidence must remain in the file as part of the record of the case. ~~Following a decision under Minnesota Statutes, section 176.242 or 176.243, exhibits or other documentary evidence may be returned to their source of origin in the same manner as exhibits in other cases if a petition to discontinue benefits or objection to discontinue benefits has not been filed within 120 days of the commissioner's decision.~~

Subp. 3. [Unchanged.]

5220.2920 ATTORNEY FEES.

Subpart 1. **Applicable principles.** Attorney fees shall be awarded in accordance with Minnesota Statutes, section 176.081 and the following principles after resolution of a disputed benefit or service issue, whether the matter is settled or a decision is issued.

A. to F. [Unchanged.]

Subp. 2. [Unchanged.]

Subp. 3. **Statement of fees, petition for disputed or excess attorney fees.** The following procedures must be followed in claiming fees.

A. If the claim for attorney fees does not exceed the fees allowed by Minnesota Statutes, section 176.081, subdivision 1, clause (a), the party claiming fees shall file a statement of attorney fees on a form prescribed by the commissioner, including:

- (1) to (4) [Unchanged.]
- (5) the amount of any retainer received from the employee;
- (6) to (12) [Unchanged.]

The statement must be accompanied by the retainer agreement, if not previously filed, and proof of service on the employer or insurer, and employee.

B. If a party claims fees in excess of the amount listed in Minnesota Statutes, section 176.081, subdivision 1, clause (a) or an objection to the statement under item A is filed, or it is requested that fees be assessed against the employer or insurer for refusal to pay rehabilitation or medical benefits or provide services or the requested fees were incurred in connection with an administrative conference under Minnesota Statutes, section 176.242, 176.2421, 176.243, or 176.244, the party shall file a petition for disputed or excess attorney fees on a form prescribed by the commissioner, including:

- (1) to (9) [Unchanged.]
- (10) the amount of ~~the~~ any retainer;
- (11) to (18) [Unchanged.]

The petition must be accompanied by a copy of the retainer agreement, if not previously filed, and proof of service on the employer or insurer, and employee.

Subp. 4. [Unchanged.]

5220.2930 DEPENDENT'S BENEFITS.

Subpart 1. **Allocation of compensation by judge.**

A. [Unchanged.]

B. A party may object to ~~the~~ a proposed allocation by serving on all parties and filing an objection with the division within 20 days after service of the petition. The objection must contain a clear and concise statement of the specific grounds for the objection and must be accompanied by any documentary evidence supporting the objection.

C. [Unchanged.]

Subp. 2. to 5. [Unchanged.]

Department of Natural Resources

Proposed Rule Relating to Minnesota Scenic and Recreational River Land Use District Descriptions and Acreages, Amendment

Notice of Intent to Adopt Rule Amendment Without a Hearing

Notice is hereby given that the State Department of Natural Resources is proposing to adopt the above entitled amendment to Minn. Rules 1985 part 6105.1290 without a public hearing. The Commissioner of Natural Resources has elected to follow procedures set forth in Minnesota Stat. §§ 14.22-14.28 (1983 Supp. amended by 1984 Minn. Laws Ch. 640).

The amendment proposed concerns the Land Use District Descriptions and Acreages. It will remove approximately 20.7 acres from the Minnesota Recreational River Land Use District in Yellow Medicine County. The area to be removed is that part of Government Lot 3, Section 4, T115N-R39W, lying west of State Hwy. 23.

The amendment will also correct three typographical errors of land use district descriptions and acreages. No land is being added to or deleted from the land use district as a result of these corrections.

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PROPOSED RULES

Persons interested shall have 30 days to submit comments on the proposed amendment. The proposed amendment may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Natural Resources and do not result in a substantial change in the proposed language. Unless 25 or more persons submit written requests for a public hearing on the proposed amendment within the 30-day comment period, a public hearing will not be held. The written request must specify why a hearing is desired. Identification of a particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. §§ 14.14-14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed amendment, should address their correspondence to:

William Zachmann
Department of Natural Resources
Box 32
500 Lafayette Rd.
St. Paul, MN 55146

The Department's authority to adopt rules is contained in Minn. Stat. §§ 104.34 and 104.35. A statement that describes the need for and reasonableness of the proposed amendment is available from the Department of Natural Resources upon request.

Upon adoption of the final amendment without a public hearing, the proposed amendment, this notice, the statement of need and reasonableness, all written comments received, and the final amendments as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendment as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 11 defines a lobbyist as any individual: a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his or her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or b) who spends more than \$250, not including his or her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statutes provide certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN. 55155, Telephone (612) 296-5616.

16 May 1986

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources

Proposed Rules Relating to Land Use Districts, Boundary Changes

Rule as Proposed (all new material)

6105.1291 LAND USE DISTRICT AMENDMENT

Part 6105.1290 is amended by changing the land use district descriptions and acreages as follows: T 115 N - R 39 W, Section 4, Government Lot 3. Everything east of State Hwy. 23. 18.10 acres

INCORRECT REFERENCES. The references in Minnesota Rules, part 6105.1290 listed in Column 1 are corrected as indicated in Column 2.

1	2
T 116 N - R 40 W Section 13 E 1/2 of NE 1/4 of SW 1/4 20.00 acres	Delete
T 116 N - R 39 W Section 33 Government Lot 3 (YM)	T 116 N - R 39 W Section 33 Government Lot 2 (YM)
T 113 N - R 35 W Section 36 SE 1/4 of NE 1/4	T 113 N - R 35 W Section 36 SW 1/4 of NE 1/4
Total 22,290.45	Total 22,249.75

Transportation Regulation Board

Proposed Rules Relating to Collective Ratemaking by Regulated Motor Carriers

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Transportation Regulation Board (Board) proposes to adopt the above-captioned rules without a public hearing. The Board has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22-14.28 (1984).

Persons or groups interested in these rules shall have 30 days to submit comments on the proposed rules. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed language.

A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period. If a public hearing is required, the Board will proceed according to the provisions of Minn. Stat. §§ 14.131-14.20 (1984). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reasons for the request, and any change proposed.

Comments or written requests for a public hearing should be submitted to:

Jerome E. Pedersen, Rate Director
Transportation Regulation Board
254 Livestock Exchange Bldg.
100 Stockyards Road
South St. Paul, Minnesota 55075
Telephone: 612/296-2349

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Authority for adoption of these rules is contained in Minn. Stat. § 174A.02 (1984) and Minn. Stat. § 221.165 (1984). A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules, identifies the data and information relied on to support the proposed rules and assesses the impact of the proposed rules on small businesses has been prepared and is available from Mr. Pedersen upon request at the above address.

Pursuant to Minn. Stat. § 14.115 subdivision 4 (1984), the impact that the proposed rule will have on small businesses has been considered by the Board. The Board's position is contained in the Statement of Need and Reasonableness. Any person who desires to comment on the impact the proposed rule will have on small business may do so by contacting Mr. Pedersen.

Upon adoption of the final rules without a public hearing, all jurisdictional documents, the statement of need and reasonableness, all the written comments and requests for hearing received, and the final rules as adopted will be delivered to the Attorney General. The rules will then be reviewed by the Attorney General as to legality and form as it relates to legality, including the issues of substantial change, the agency's authority to adopt the rules and the existence of a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to be notified of the submission of this material to the Attorney General, including modifications to the rules as originally proposed, or who wish to obtain a final copy of the rules as adopted, should submit a request to Mr. Pedersen at the above address. The text of the proposed rules follows this notice in the *State Register*. These rules have two purposes: a) insuring non-discriminatory rates and charges for transportation services provided to shippers and receivers; and b) preserving and continuing intrastate collective ratemaking by immunizing the collective activity of Minnesota motor carriers from federal antitrust laws.

One free copy of the proposed rules may be obtained by contacting Mr. Pedersen at the above address or by calling (612) 296-2349.

Transportation Regulation Board
Roger A. Laufenburger
Chairman

Transportation Regulation Board Proposed Rules Relating to Motor Carrier Collective Ratemaking

Rules as Proposed (all new material)

8900.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Board.** "Board" means the Minnesota Transportation Regulation Board.

Subp. 3. **Collective ratemaking.** "Collective ratemaking" means the joint consideration and establishment of rates, charges, and classifications, and rules related to them, by two or more carriers subject to rate regulation under Minnesota Statutes, chapter 221.

Subp. 4. **Collective ratemaking organization.** "Collective ratemaking organization" means an organization or association of two or more carriers engaged in collective ratemaking for publishing rates, charges, and classifications, and rules related to them. Administrative activities of the collective ratemaking organization are at the express direction of participating carriers. Carriers who are members of a trade association, tariff publishing bureau, or similar organization may establish one or more collective ratemaking organizations within that association, bureau, or organization.

Subp. 5. **Docketing.** "Docketing" means submitting a rate proposal to the collective ratemaking organization.

Subp. 6. **Joint docket bulletin.** "Joint docket bulletin" means a periodic listing of rate proposals submitted to the collective ratemaking organization for consideration by member carriers and other interested parties.

Subp. 7. **Joint line rate.** "Joint line rate" means a rate applicable from a point located on one transportation line to a point located on another transportation line, made by agreement or arrangement between the carriers and published in a single tariff under proper concurrence of the transportation lines over which the rate applies.

Subp. 8. **Single line rate.** "Single line rate" means a rate applicable from origin to destination over the lines of one carrier.

Subp. 9. **Rate proposal.** "Rate proposal" means a proposed rate, charge, rule, or classification to be published for the account of a proponent carrier and other participating carriers concurring in the proposal.

Subp. 10. **Tariff.** "Tariff" means a published schedule showing the rates, fares, charges, classifications, rules, regulations, and other provisions applying to transportation and incidental services.

8900.0200 PURPOSE.

To ensure that rates and charges for shippers and receivers are nondiscriminatory, to ensure that joint through interline service is continued, to ensure that just and reasonable rates and charges are published and maintained under uniform, reasonably related rate structures, and to promote efficiency in establishing, submitting, and considering rate proposals, motor carriers subject to rate regulation under Minnesota Statutes, chapter 221, unless exempted under part 8900.1000, shall collectively establish, maintain, and publish schedules of rates, charges, and classifications, and rules and practices relating to them, in joint agency tariffs covering their transportation service under Minnesota Statutes, section 221.165 and this chapter.

8900.0300 GENERAL DUTIES.

Subpart 1. Motor carrier participation. Motor carriers subject to rate regulation under Minnesota Statutes, chapter 221, unless exempted under part 8900.1000, shall participate in collective ratemaking organizations for collectively establishing, maintaining, and publishing joint or single line schedules of rates, charges, and classifications, and rules and practices relating to them, covering their transportation service.

Subp. 2. Submission to board. A collective ratemaking organization established under this chapter shall establish and submit to the board for its approval, procedures for jointly considering, initiating, establishing, maintaining, and publishing rates, charges, and classifications, and rules and practices relating to them.

8900.0400 PROVISIONAL APPROVAL REQUIREMENTS.

Subpart 1. Board approval. A collective ratemaking agreement, and the bylaws and rules of procedure of a collective ratemaking organization established or continued under that agreement, must be filed with and approved by the board. The board shall provisionally approve initial filings that conform generally to the requirements in subparts 2 to 12.

Subp. 2. Identification. Each carrier that is a party to the agreement must be identified by name, mailing address, and telephone number.

Subp. 3. Rate proposal discussion, vote. All member carriers must be allowed to discuss a docketed rate proposal, but only those carriers with authority to participate in the type of transportation service covered by the rate proposal may vote on the proposal.

Subp. 4. Right of independent action. Participating carriers in a collective ratemaking organization have the right of independent action and must be permitted to docket a rate proposal relating to them or to withdraw from the collective ratemaking organization. An agreement or action by or between two or more participating carriers to not exercise the right of independent action or to boycott, coerce, or intimidate a participating carrier from exercising its right of independent action is prohibited.

Subp. 5. Notice of rate proposals. Notice of rate proposals must be given in a joint docket bulletin that is furnished to the board, to carriers participating in the collective ratemaking organization, and to persons who subscribe to the bulletin.

Subp. 6. Tariff items published for account of motor carrier. The collective ratemaking organization must not be allowed to protest or complain of tariff items published for the account of a motor carrier.

Subp. 7. Computing composite expense level. Revenues and expenses of carriers participating in a rate proposal must be considered in forming a composite expense level used in arriving at a uniform rate level applicable to any defined group of carriers.

Subp. 8. Employee restrictions. Employees of the collective ratemaking organization are prohibited from docketing or voting upon a proposal affecting a change in a tariff published by or for the account of a member carrier.

Subp. 9. Disclosure of names of proponents. The collective ratemaking organization must divulge to a person upon request the names of proponents of a rate proposal docketed in that organization.

Subp. 10. Opportunity for comment. Member carriers and other persons must be granted an opportunity to make oral or written statements respecting rate proposals to the collective ratemaking organization and its members.

Subp. 11. Public meetings, votes; notice. Meetings of the collective ratemaking organization discussing rate proposals must be open to the board and public. The collective ratemaking organization must divulge to a person upon request the vote cast by a member carrier on a rate proposal. The collective ratemaking organization shall give written notice of meetings to member carriers and the board mailed by first-class mail not less than five days before the meeting.

Subp. 12. Quorum; voting. At meetings of the collective ratemaking organization that involve a discussion of rates, charges,

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classifications, or rules, the organization shall establish a minimum quorum standard of 30 percent of the membership for general meetings and 30 percent of the membership of a committee for committee meetings. At all meetings the presence in person of the membership is necessary to establish quorum requirements and to transact business. Instead of personal attendance, members may vote by a written statement received before or at the commencement of the meeting. Each participating carrier must have one vote. A rate proposal must be approved if voted for by a simple majority of the carriers voting on the proposal, provided that quorum requirements are met before voting.

8900.0500 FINAL NOTICE OF APPROVAL OR DISAPPROVAL.

Upon finding that the agreement, bylaws, and rules of procedure of a collective ratemaking organization further the objectives of Minnesota Statutes, section 221.165 and after necessary amendments ordered by the board in connection with the provisionally approved agreement have been submitted, the board shall issue a final notice of approval or disapproval within six months from the date of filing the provisional agreement.

8900.0600 FILING TARIFF.

Upon approval of a rate proposal by a collective ratemaking organization under the agreement and procedures provisionally or finally approved by the board under part 8900.0400 or 8900.0500, a tariff must be filed with the commissioner of transportation under Minnesota Statutes, sections 221.041 and 221.161.

8900.0700 INDIVIDUAL NAME ON TARIFFS.

A member carrier of a collective ratemaking organization may prepare, at its own expense, tariffs bearing the member carrier's individual business name if the copies indicate that they are based on a tariff, specifying the number, that has been filed and that has become effective under Minnesota Statutes, sections 221.041 and 221.161, and this chapter.

8900.0800 INDIVIDUAL DEVIATIONS.

Motor carriers participating in collective ratemaking may petition the board for authority to deviate from collectively established rates, charges, and classifications, and rules relating to them. Suspensions of and complaints and protests against petitions for deviation, and hearings on them, must be processed under Minnesota Statutes, section 221.161. The board shall allow a carrier to deviate from the collectively established rates, charges, and classifications, and rules relating to them, if the board deems the proposed deviation to be just and reasonable and otherwise in accord with Minnesota Statutes, section 221.161.

8900.0900 BOARD MONITORS ACTIVITIES.

The board shall actively supervise the activities of each collective ratemaking organization. The supervision may include, without limitation, periodic field audits, attendance at scheduled meetings, and review of minutes from those meetings to the extent necessary to ensure compliance with board-approved collective ratemaking procedures.

8900.1000 EXEMPTION.

Subpart 1. **Request for exemption.** A carrier authorized by Minnesota Statutes, section 221.165 to engage in collective ratemaking may request that the board exempt its operations, or any part of its operations, by commodity or type of authority held, from the collective ratemaking procedures prescribed in this chapter, by filing with the board a written request. The written request must:

- A. be executed by a duly authorized representative;
- B. state that the carrier, from the date of the request and until the exemption is withdrawn in writing by the carrier or the board, will not engage in collective ratemaking with respect to its entire operations, a specified commodity, or type or types of authority held; and
- C. set forth the reasons why exemption is sought.

Subp. 2. **Grant of exemption.** After considering the reasons set forth in the request, the board shall exempt the petitioning carrier from the collective ratemaking procedures prescribed in this chapter if it finds that:

- A. the carrier will suffer no hardship in publishing its own rates and tariffs;
- B. the grant will not conflict with the legislative purpose to be accomplished by board approval of collective ratemaking; and
- C. the grant will be consistent with the public interest.

8900.1100 PENALTY FOR VIOLATION.

The failure of a motor carrier subject to rate regulation under Minnesota Statutes, chapter 221 to comply with this chapter may result in suspension or revocation of its certificate or permit under Minnesota Statutes, section 221.021, as well as other penalties provided for in Minnesota Statutes, chapter 221 and appropriate to the violations.

Waste Management Board

Proposed Rules Governing the Solid Waste Processing Facility Capital Assistance Program

Notice of Intent to Adopt Rules Without a Public Notice

Notice is hereby given that the Minnesota Waste Management Board proposes to adopt the above-entitled rules without a public hearing. The Waste Management Board has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22-14.28, as amended by Laws 1984, ch. 640, §§ 12-15.

Persons interested in these rules shall have 30 days in which to submit comments in support of or in opposition to the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Waste Management Board and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. In the event a public hearing is required, the Waste Management Board will proceed according to the provisions of Minn. Stat. §§ 14.08-14.28, as amended by Laws 1984, ch. 640, §§ 4-15.

Persons who wish to submit comments or a request for a public hearing should submit such comments or request in writing to:

Waste Management Board
Attention: Ed Welsch
123 Thorson Building
7323 58th Avenue North
Crystal, MN 55428
(612) 536-0816

Authority for the adoption of these rules is contained in Minnesota Statutes, section 115A.06, subd. 2 (1984) and 115A.49 to 115A.54 (1984), as amended. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and that identifies the data and information relied upon to support the proposed rules has been prepared. A copy may be obtained by contacting the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 58th Avenue North, Crystal, MN 55428.

If a hearing is not required, and upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the rules as adopted, should submit a written statement of such request to the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 58th Avenue North, Crystal, MN 55428.

A copy of the proposed rules is attached to this Notice.

Copies of this Notice and the proposed rules are available and may be obtained by contacting the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 58th Avenue North, Crystal, MN 55428.

William Walker
Chairperson

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PROPOSED RULES

Waste Management Board

Proposed Rules Relating to Solid Waste Processing Facility Capital Assistance and Demonstration Programs

Rules as Proposed (all new material)

CAPITAL ASSISTANCE PROGRAM

9200.6000 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 9200.6000 to 9200.6800 the following terms have the meaning given them, unless the context requires otherwise.

Subp. 2. **Board.** "Board" means the Minnesota Waste Management Board established in Minnesota Statutes, section 115A.04.

Subp. 3. **Chair.** "Chair" means the chair and chief executive officer of the board.

Subp. 4. **Cities.** "Cities" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 4.

Subp. 5. **Comprehensive solid waste management plan.** "Comprehensive solid waste management plan" means a written plan prepared under Minnesota Statutes, section 115A.46.

Subp. 6. **Disposal.** "Disposal" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 9.

Subp. 7. **Final design and engineering/architectural plans.** "Final design and engineering/architectural plans" means those engineering drawings and specifications used to secure bids for construction or equipment.

Subp. 8. **Institutional arrangements.** "Institutional arrangements" means methods of financing, marketing, procurement, securing the waste supply, or joint efforts by more than one local government unit.

Subp. 9. **Mixed municipal solid waste.** "Mixed municipal solid waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 21.

Subp. 10. **On-site utilities.** "On-site utilities" means gas, electrical, water, and sewer facilities within the geographic boundaries of the waste processing facility site, that are used for facility operations, excluding transmission of energy to markets.

Subp. 11. **Preliminary design and engineering/architectural plans.** "Preliminary design and engineering/architectural plans" means conceptual plans adequate to obtain preconstruction permits and to meet the needs of an environmental assessment.

Subp. 12. **Processing.** "Processing" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25.

Subp. 13. **Project.** "Project" means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility.

Subp. 14. **Recyclable materials.** "Recyclable materials" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25a.

Subp. 15. **Recycling.** "Recycling" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25b.

Subp. 16. **Recipient.** "Recipient" means an applicant who has received a grant under the solid waste processing facilities capital assistance program.

Subp. 17. **Resource recovery.** "Resource recovery" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 27.

Subp. 18. **Resource recovery facility.** "Resource recovery facility" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 28.

Subp. 19. **Solid waste.** "Solid waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 10.

Subp. 20. **Solid waste disposal facilities and equipment.** "Solid waste disposal facilities and equipment" means structures, machinery, or devices at a disposal site necessary for efficient land disposal of solid wastes, including machinery or devices designed to move earth during burial of wastes or to increase the density of wastes buried or to be buried, and facilities in which solid waste is temporarily stored and concentrated before transport to a disposal site.

Subp. 21. **Solid waste management district.** "Solid waste management district" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 32.

Subp. 22. **Special waste stream.** "Special waste stream" means materials normally found in the solid waste stream in sufficient quantity to be recovered for subsequent use, if separated from the solid waste stream and processed separately. Examples of special waste streams include waste tires, wood wastes, and agricultural wastes.

Subp. 23. **Transmission facilities.** "Transmission facilities" means any steam, water, or electrical lines that are used to transport energy to markets.

Subp. 24. **Transfer station.** "Transfer station" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 33.

Subp. 25. **Waste processing equipment.** "Waste processing equipment" means machinery or devices acquired and used as an integral component of a waste processing facility.

Subp. 26. **Waste processing facility.** "Waste processing facility" means structures and equipment, singly or in combination, that are designed, constructed, and used to separate, modify, convert, heat, prepare, or otherwise process solid waste so that materials, substances, or energy contained within the waste may be recovered for subsequent use.

9200.6100 SOLID WASTE PROCESSING FACILITIES CAPITAL ASSISTANCE PROGRAM.

Parts 9200.6000 to 9200.6800 implement the solid waste processing facilities capital assistance program created and described in Minnesota Statutes, sections 115A.49 to 115A.54, by establishing the substantive criteria and procedural conditions under which the board may award grants for capital costs of solid waste processing facilities.

9200.6200 GRANT APPLICATION PROCEDURES.

Subpart 1. **Applications.** An application may be submitted to the board when the applicant has met the information and documentation requirements in parts 9200.6400 and 9200.6500. The applicant is encouraged to contact the chair and request a preapplication review of the proposed project.

Subp. 2. **Review of applications.** Upon receipt of an application, the chair or a designee shall conduct an initial review of the application under part 9200.6600. The board shall evaluate projects and award grants.

Subp. 3. **Applications accepted.** The board shall accept applications for funds under the solid waste processing facilities capital assistance program until all the funds for the program are awarded or until three months before the expiration of the board pursuant to law, whichever occurs first.

Subp. 4. **Legislative priorities.** The board shall give priority to projects located in cities, counties, or districts in which:

- A. the natural geologic and soil conditions are unsuitable for land disposal of solid waste;
- B. the capacity of existing solid waste disposal facilities is less than five years; or
- C. the project serves more than one local government unit.

9200.6300 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** Eligible applicants are limited to cities, counties, and solid waste management districts established under Minnesota Statutes, sections 115A.62 to 115A.72.

Subp. 2. **Eligible projects.** Six types of projects are eligible for grants: waste to energy; materials recovery; chemical, physical, or biological modifications; transfer stations; special waste streams; and waste incineration with resource recovery. Eligible projects are limited to those in which the land, buildings, and equipment are publicly owned.

Projects that were awarded assistance by the board pursuant to applications submitted under Minnesota Statutes, sections 115A.49 to 115A.54 before July 1, 1985, are eligible for additional assistance under this program, but no project may receive a total amount of grant assistance in excess of the limits in part 9200.6700, subpart 1. Previously funded projects seeking additional funding under this program shall complete the documentation required under part 9200.6500.

Subp. 3. **Eligible costs.** Eligible costs under parts 9200.6000 to 9200.6800 are limited to the costs of land; waste processing equipment; structures necessary to house the waste processing equipment; transmission facilities; appropriate and necessary on-site utilities; structures necessary to concentrate and temporarily store solid waste before transportation to a waste processing facility; trailers, containers, and roll-off boxes necessary to transport wastes from transfer stations to a processing facility, to transport processing facility products to market, or to transport residue from the processing facility to a solid waste land disposal facility; and final design and engineering/architectural plans.

Subp. 4. **Ineligible costs.** Ineligible costs include any costs related to solid waste disposal facilities and equipment, structures

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for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans.

9200.6400 INFORMATION REQUIRED ON GRANT APPLICATION.

Applications for waste processing facilities grants shall include the following information as required in the application forms supplied by the board:

- A. the name of each applicant making the grant application;
 - B. the name of each political subdivision affected by the project, located in the area studied in the project, or located in the area in which the project is intended to be implemented;
 - C. resolutions from each applicant in conformance with Minnesota Statutes, section 115A.54, subdivision 2a, clause (1) and subdivision 3;
 - D. the name, qualifications, and address of the project manager;
 - E. the name and qualifications of the facility operator, if available;
 - F. the total capital cost of the project;
 - G. the total grant-eligible cost of the project;
 - H. the amount of grant funding requested;
 - I. the amount and sources of all other funding contributions, including the amount of funds to be contributed by the applicant;
- and
- J. the type of waste processing facility for which the grant application is being submitted: waste to energy; materials recovery; chemical, physical, or biological modification; transfer stations; special waste stream; or waste incineration with resource recovery.

9200.6500 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH GRANT APPLICATION.

Applications for waste processing facilities grants shall include the following supporting documentation:

- A. A conceptual and technical feasibility report that includes at least the following: a detailed description of the proposed waste processing facility; a description of the institutional arrangements necessary for project implementation and operation; a description of the method of facility procurement; and an analysis of the waste stream for the facility.
- B. A financial plan that contains:
 - (1) initial capital development costs and the method of financing those costs;
 - (2) annual operating and maintenance costs;
 - (3) projections of total facility costs and revenues over 20 years or for the term of the longest debt obligation, whichever is longer; and
 - (4) total capital costs per ton of installed daily capacity.
- C. A report demonstrating that the project is not financially feasible without state assistance, due to the applicant's financial capacity and the problems inherent in waste management in the area. The report shall include the following documentation:
 - (1) capital financing alternatives and operational cost financing alternatives, both public and private, explored by the applicant for the project and reasons for selecting the proposed financing methods;
 - (2) information on the applicant's financial situation including the applicant's current credit rating on general obligation bonds, the amount of general obligation bonds outstanding, general obligation debt divided by market valuation, and debt service levy divided by total levy. If the applicant has issued general obligation bonds in the past two years, the documentation must include the most recent general purpose financial statements, current year budgets, and official statement on bond issuance;
 - (3) projected facility tipping fees, product revenues, and other project revenues, with and without board assistance;
 - (4) impact of proposed project on existing solid waste commitments, obligations and expenditures, and total current solid waste management costs on a per capita and per ton basis;
 - (5) general information pertinent to a determination of the applicant's financial capacity, including such factors as location, population characteristics, employment base, and other characteristics;
 - (6) transportation distances and estimated costs, both in waste collection and to markets for recovered resources;
 - (7) waste supply characteristics;
 - (8) availability of markets for recovered resources; and

(9) other characteristics of waste management in the area that render state assistance necessary to the financial feasibility of the project.

D. A comprehensive solid waste management plan.

E. Preliminary design and engineering/architectural plans and equipment specifications of the proposed waste processing facility.

F. Documentation that waste supplies will be committed to the project and that the applicant has the mechanism to commit the wastes.

G. A market analysis of recovered materials/energy, including documentation of market commitments such as letters of intent or contracts.

H. A report on the status of required permits from permitting agencies.

I. A report on time frames of project development.

J. Resolutions that comply with Minnesota Statutes, section 115A.54, subdivision 2a, clause (1) and subdivision 3.

K. If the applicant requests priority under Minnesota Statutes, section 115A.49, documentation:

(1) that the natural geologic and soil conditions are unsuitable for land disposal of solid waste;

(2) that the available capacity of existing solid waste disposal facilities is less than five years; or

(3) that the proposed project would serve more than one local government unit.

L. If the project has previously received funding from the board under the board's solid waste processing facility demonstration program, documentation of how the project has changed since the previous award and why the project is not financially feasible without additional funding. This documentation shall include:

(1) a description of changes in the scope or design of the project;

(2) a description of changes in major external factors affecting the project;

(3) an explanation and demonstration of why the project is no longer financially feasible without additional state assistance; and

(4) a revised implementation schedule.

M. If the project serves eligible jurisdictions in only a single county, documentation demonstrating that cooperation with jurisdictions in other counties is not needed or not feasible, including:

(1) a description of past efforts to develop multi-county facilities or waste management programs; and

(2) a description of characteristics of the applicant's individual situation that preclude or inhibit cooperation with other counties, such as waste supply, market availability, technology constraints, geographic factors, or factors involving institutional arrangements.

9200.6600 REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. **Determination of eligibility and completeness.** Upon receipt of an application, the chair or a designee shall determine the eligibility of the applicant, the eligibility of the costs identified in the application, the eligibility of the project identified in the application, and the completeness of the application.

Subp. 2. **Notice of determination of eligibility and completeness.** Within 14 days after receiving the application, the chair shall notify the applicant of the chair's determinations of eligibility and completeness. If the chair determines that the applicant or the project is ineligible, the chair shall reject the application, return it to the applicant, and notify the applicant of the reasons for the rejection. If the chair determines that any part of the project costs is ineligible or that the application is incomplete, the chair shall notify the applicant of the ineligible portion of the costs or of the deficiency. The applicant has 14 days after receiving the notice to correct any inadequacies identified by the chair. If the inadequacies are corrected within the time allowed, the application will be further considered.

Subp. 3. **Evaluation of need for financial assistance.** In making its evaluation of the application, the board shall first evaluate the information supplied in part 9200.6500, item C to determine whether or not board assistance is necessary for facility development. If

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the board determines that assistance is not necessary, evaluation of the application shall cease and the application shall be returned to the applicant. If the board determines that assistance is necessary, evaluation will proceed to the second stage. During the second stage, the board shall evaluate documentation submitted under part 9200.6500, items A, B, and D to M.

Subp. 4. **Evaluation of applications.** If the board determines that the project is in need of state assistance, the board shall evaluate the application to determine whether the application demonstrates:

A. that the project is conceptually and technically feasible;

B. that affected political subdivisions are committed to implementing the project, providing necessary local financing, and accepting and exercising the government powers necessary for project implementation and operation;

C. that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project;

D. that the applicant has evaluated the feasible and prudent alternatives to disposal and has compared and evaluated the costs of the alternatives, including capital and operating costs, the effects of the alternatives on the cost to generators, and the effects of the alternatives on the solid waste management and recycling industry within the project's service area;

E. that for projects serving eligible jurisdictions in only a single county, cooperation with jurisdictions in other counties to develop the project is not needed or not feasible;

F. that resource recovery facilities that burn waste, convert waste to energy, or convert waste into materials for combustion will not accept recyclable materials except for transfer to a recycler; and

G. that the project is not financially feasible without state assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

Subp. 5. **Board determination.** If the board determines that the application satisfies the requirements of subpart 4, the board shall determine the amount of the grant award and the applicant shall be notified. If the board determines that the application fails to satisfy the requirements of subpart 4, the board shall reject the application and the chair shall return the application to the applicant, together with a statement of the reasons for the determination.

Subp. 6. **Consultation with other agencies.** In its evaluation of the application, the board shall consider any recommendations provided by the Pollution Control Agency, the State Planning Agency, and the appropriate regional development commission or the Metropolitan Council.

9200.6700 LIMITATIONS.

Subpart 1. **Maximum grant award.** The maximum grant award is 25 percent of the eligible capital costs of the project or \$2,000,000, whichever is less.

Subp. 2. **Limitations on grant award.** The amount of the board's grant award shall be limited to an amount needed to complete the project considering all the sources of funding presently available to the applicant.

Grants shall not be awarded to cover any cost associated with tasks performed before the grant award or after the expiration of the grant agreement.

Subp. 3. **Limitations on disbursement of funds.** No funds shall be disbursed until the board has determined the total estimated capital cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project.

9200.6800 GRANT AGREEMENT.

Subpart 1. **Requirements.** A grant agreement shall:

A. include as attachments the resolutions required under Minnesota Statutes, section 115A.54, subdivision 2a, clause (1) and subdivision 3;

B. incorporate by reference the final grant application submitted to the board under part 9200.6200;

C. allow the recipient to enter into contracts to complete the work specified in the agreement subject to any board approval that may be required in the agreement;

D. provide that any cost overruns incurred in the development of the proposed facility shall be the sole responsibility of the recipient;

E. provide that the board will not accept amendments requesting that additional funds be awarded to the recipient;

F. require that the recipient provide periodic written reports to the board on the developmental and operational history of the project so that knowledge and experience gained from the project may be made available to other communities in the state;

G. require total repayment of the grant if the facility is sold to a private enterprise within three years of the effective date of the grant agreement. Beginning on the third anniversary of the grant, the amount of the grant that must be repaid shall be reduced ten percent each year. The sales agreement between the recipient and the private enterprise shall transfer the responsibilities in subpart 1, item F to the private enterprise; and

H. require that the facility may only be sold to a private enterprise in accordance with the constitution of the state of Minnesota and any applicable Minnesota statutes and rules.

Subp. 2. **Rescission of grant.** If a project is not completed and operational in accordance with the terms and conditions of the grant agreement, including time schedules, the grant shall be rescinded, and the entire amount of the grant shall be repaid unless the board determines that variances from the respective agreements are justified and that the original objectives of the project will be accomplished.

Subp. 3. **Disbursement.** The board shall disburse grants in accordance with the payment schedule in the grant agreement.

Waste Management Board

Proposed Amendments to Rules Governing the Solid Waste Processing Facility Demonstration Program

Notice of Intent to Adopt Amendments to Existing Rules Without a Public Hearing

Notice is hereby given that the Minnesota Waste Management Board proposes to adopt the above-entitled amendments to existing rules without a public hearing. The Waste Management Board has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22-14.28, as amended by Laws 1984, ch. 640, §§ 12-15.

Persons interested in these rules shall have 30 days in which to submit comments in support of or in opposition to the proposed amendments to existing rules. Comment is encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed.

The proposed amendments to existing rules may be modified if the modifications are supported by the data and views submitted to the Waste Management Board and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, a public hearing will not be held. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendment addressed, the reason for the request, and any change proposed. In the event a public hearing is required, the Waste Management Board will proceed according to the provisions of Minn. Stat. §§ 14.08-14.28, as amended by Laws 1984, ch. 640, §§ 4-15.

Persons who wish to submit comments or a request for a public hearing should submit such comments or request in writing to:

Waste Management Board
Attention: Ed Welsch
123 Thorson Building
7323 58th Avenue North
Crystal, MN 55428
(612) 536-0816

Authority for the adoption of these rules is contained in Minn. Stat. § 115A.49 (1984). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed amendments to existing rules and that identifies the data and information relied upon to support the proposed amendments to existing rules has been prepared. A copy may be obtained by contacting the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 58th Avenue North, Crystal, MN 55428.

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If a hearing is not required, and upon adoption of the final amendments to existing rules without a public hearing, the proposed amendments to existing rules, this Notice, the statement of need and reasonableness, all written comments received, and the final amendments to existing rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendments to existing rules as adopted, should submit a written statement of such request to the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 58th Avenue North, Crystal, MN 55428.

A copy of the proposed amendments to the existing rules is attached to this Notice.

Copies of this Notice and the proposed amendments to existing rules are available and may be obtained by contacting the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 58th Avenue North, Crystal, MN 55428.

William Walker
Chairperson

Rules as Proposed

DEMONSTRATION PROGRAM

9200.8100 DEFINITIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. ~~Chairperson Chair.~~ “Chairperson” “Chair” means the ~~chairperson chair~~ and chief executive officer of the board.

Subp. 4. [Unchanged.]

Subp. 5. ~~Comprehensive solid waste management plan.~~ “Comprehensive solid waste management plan” means a written plan ~~conforming to the requirements of prepared under~~ Minnesota Statutes, section 115A.46.

Subp. 6. [Unchanged.]

Subp. 7. ~~Final design and engineering/architectural plans.~~ “Final design and engineering/architectural plans” means those engineering drawings and specifications used to secure bids for construction or equipment.

Subp. 9. ~~Institutional arrangements.~~ “Institutional arrangements” means methods of financing, marketing, procurement, ~~methods of~~ securing the waste supply, or joint efforts by more than one local government unit.

Subp. 10. and 11. [Unchanged.]

Subp. 12. ~~Preliminary design and engineering/architectural plans.~~ “Preliminary design and engineering/architectural plans” means conceptual plans adequate to obtain preconstruction permits and to meet the needs of an environmental assessment.

Subp. 13. [Unchanged.]

Subp. 13a. ~~Project.~~ “Project” means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility.

Subp. 14. [Unchanged.]

Subp. 14a. ~~Recyclable materials.~~ “Recyclable materials” has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25a.

Subp. 14b. ~~Recycling.~~ “Recycling” has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25b.

Subp. 15. to 19. [Unchanged.]

Subp. 20. ~~Special waste stream.~~ “Special waste stream” means materials ~~which that~~ are normally found in the solid waste stream in sufficient quantity to be recovered for subsequent use, if separated from the solid waste stream and processed separately. Examples of special waste streams include ~~used~~ waste tires, wood wastes, and agricultural wastes.

Subp. 21. [See Repealer.]

Subp. 22. to 24. [Unchanged.]

9200.8200 SOLID WASTE PROCESSING FACILITIES DEMONSTRATION PROGRAM.

Parts 9200.8100 to 9200.9200 implement the solid waste processing facilities demonstration program created and described in Minnesota Statutes, sections 115A.49 to 115A.54, by establishing the substantive criteria and procedural conditions under which the board may award grants and loans for capital costs of ~~projects which demonstrate the feasibility of waste processing technology or equipment or the feasibility of institutional arrangements in providing~~ waste processing facilities.

9200.8300 ELIGIBILITY CRITERIA.

Subpart 1. [Unchanged.]

Subp. 2. **Eligible projects.** Only projects ~~which that~~ demonstrate feasible and prudent alternatives to disposal are eligible for loans and grants. ~~To qualify as a demonstration project, a project must be conceptually and technically feasible but not now in operation in the state or not now in operation in a geographical area of the state with demonstrably different characteristics from those of the area where a facility is now in operation. A conceptually and technically feasible project may also qualify as a demonstration project if it involves institutional arrangements not previously utilized in the state, or not previously utilized in a geographical area of the state with demonstrably different characteristics from those in the area where a facility is now in operation. Six~~ Three types of projects are eligible for loans and grants: ~~waste to energy; materials recovery; chemical, physical, or biological modifications; transfer stations; and special waste streams; and waste incineration with resource recovery.~~ Eligible projects are limited to those in which the land, buildings, and equipment are publicly owned.

Subp. 3. **Eligible costs.** Eligible costs under parts 9200.8100 to 9200.9200 shall be limited to the costs of land, waste processing equipment, structures necessary to house the waste processing equipment, appropriate and necessary on-site utilities, ~~structures necessary to concentrate and temporarily store solid waste prior to transportation to a waste processing facility~~ trailers, containers, and roll-off boxes necessary to transport products to market, or to transport residue from the processing facility to a solid waste land disposal facility, and final design and ~~engineering specifications~~ engineering/architectural plans.

Subp. 4. **Ineligible costs.** Ineligible costs include any costs related to ~~acquisition of land~~, solid waste disposal facilities and equipment, structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and ~~engineering~~ engineering/architectural plans.

9200.8400 INFORMATION REQUIRED ON GRANT AND LOAN APPLICATION.

Applications for grants, loans, or grants and loans for waste processing facilities shall include the following information as required in the application forms supplied by the board:

- A. the name of each applicant making the ~~grant or loan~~ application;
- B. the name of each political subdivision affected by the project, located in the area studied in the project, or located in the area in which the project is intended to be implemented;
- C. ~~resolutions from each applicant which demonstrate that the applicant is committed to implementing the project; providing necessary local financing; and accepting and exercising the government powers necessary to the project;~~
- ~~D.~~ D. the name, qualifications, and address of the project manager;
- ~~E.~~ D. the name and qualifications of the facility operator, if available;
- ~~F.~~ E. the total capital cost of the project;
- ~~G.~~ F. the total grant- or loan-eligible cost of the project;
- ~~H.~~ G. the amount of grant ~~or~~, loan, or grant and loan funding requested;
- ~~I.~~ H. the amount and sources of all other funding contributions, including the amount of funds to be contributed by the applicant;
- ~~J.~~ I. the type of assistance applied for (grant, loan, or grant and loan together);
- ~~K.~~ J. the type of waste processing facility for which a ~~grant or loan~~ assistance is being applied for ~~requested: waste to energy; materials recovery; chemical, physical, or biological modification; transfer stations; or special waste stream; or waste incineration with resource recovery.~~

9200.8500 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH GRANT AND LOAN APPLICATION.

Applications for grants or loans for waste processing facilities shall include the following supporting documentation:

- A. a conceptual and technical feasibility report ~~which that~~ includes at least the following analysis: description of alternative waste processing facilities, a detailed description of the proposed waste processing facility; a description of the institutional arrangements necessary for project implementation and operation; a description of methods the method of facility procurement; and an analysis of the waste stream analysis for the facility;
- B. a financial feasibility report including: an evaluation and analysis of all capital and operating costs of the proposed

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PROPOSED RULES

project, an evaluation and analysis of various financing mechanisms available to the applicant, an analysis of the ability of the community to continue operation of the facility over the life of the facility a financial plan that contains:

- (1) initial capital development costs and the method of financing those costs;
- (2) annual operating and maintenance costs;
- (3) projections of total facility costs and revenues over 20 years or for the term of the longest debt obligation, whichever is longer; and
- (4) total capital costs per ton of installed daily capacity;

C. a comprehensive solid waste management plan conforming to Minnesota Statutes, section 115A.46, including consideration of solid waste management alternatives;

D. preliminary design and engineering engineering/architectural plans ~~or~~ and equipment specifications of the proposed waste processing facility and equipment;

E. documentation that waste supplies will be committed to the project and that the applicant has the authority and mechanism to commit ~~such~~ the wastes;

F. a marketability market analysis of recovered materials/energy, including documentation of market commitments such as letters of intent or market contracts;

G. a detailed estimate of annual operating and maintenance costs;

H. a report on the proposed project's potential for statewide application or significance;

I. a report on the status of required permits from permitting agencies;

J. H. a report on time frames of project development;

K. I. resolutions ~~complying that~~ comply with the requirements of Minnesota Statutes, section 115A.54, subdivision 3; and

L. if the applicant seeks to qualify a project as demonstrating a technology or institutional arrangements in a geographical area of the state rather than the entire state, a report on how the area is demonstrably different from the characteristics of the area where a facility is now in operation;

M. if the project application proposes a waste processing facility that demonstrates institutional arrangements, a report which describes the institutional arrangements;

N. J. if the applicant requests priority based on any of the following conditions under Minnesota Statutes, section 115A.49, documentation of the existence of the condition:

(1) that the natural geologic and soil conditions ~~which~~ are ~~claimed to be~~ unsuitable for land disposal of solid waste;

(2) that the available capacity of existing solid waste disposal facilities ~~are~~ is ~~claimed to be~~ less than five years; or

(3) ~~the claim that the proposed project would service an area outside the metropolitan area and would serve more than one local government unit; and~~

O. if the applicant is seeking a grant, a report discussing the factor or factors in part 9200.9000, subpart 2 upon which the applicant is basing the request for a grant.

9200.8600 GRANT AND LOAN APPLICATION PROCEDURES.

Subp. 1a. **Applications.** An application may be submitted to the board when the applicant has met the information and documentation requirements in parts 9200.8400 and 9200.8500. The applicant is encouraged to contact the ~~chairperson~~ chair and request a preapplication review of the proposed project.

Subp. 2a. **Review schedule of applications.** ~~When~~ Upon receipt of an application, the chairperson chair or a designee receives an application, he or she shall initially conduct an initial review of the application under part 9200.8700. The board shall evaluate ~~and select~~ projects and award grants and loans.

Subp. 4. Applications accepted. The board shall accept applications for funds under the solid waste processing facilities demonstration program until all funds for the program are awarded or until three months before the expiration of the board pursuant to law, whichever occurs first.

Subp. 5. Legislative priorities. The board shall give priority to projects located in cities, counties, or districts in which:

A. the natural geologic and soil conditions are unsuitable for land disposal of solid waste;

B. the capacity of existing solid waste disposal facilities is less than five years; or

C. the project serves more than one local government unit.

9200.8700 INITIAL REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. [See Repealer.]

Subp. 2. **Determination of eligibility and completeness review.** Upon receipt of an application, the ~~chairperson~~ chair or a designee shall determine the eligibility of the applicant, the eligibility of the costs specified in the application, the eligibility of the project specified in the application, and the completeness of the application.

Subp. 3. **Notice of determination of eligibility and completeness.** Within 14 days after receiving the application, the ~~chairperson~~ chair shall notify ~~each~~ the applicant of the ~~chairperson's chair's~~ chair's determinations of eligibility and completeness. If the ~~chairperson~~ chair determines that the applicant or the project is ~~not eligible~~, ~~the application shall not be further considered and the applicant shall be notified of the determination.~~ If the ~~chairperson~~ chair determines that any of the costs or any part of the project is ~~not eligible or that the application is otherwise not complete~~ ineligible, the ~~chairperson~~ chair shall reject the application, return the application together with a statement it to the applicant, and notify the applicant of the reasons for ~~rejecting the application~~ the rejection. ~~The applicant shall have~~ If the chair determines that any part of the project costs is ineligible or that the application is incomplete, the chair shall notify the applicant of the ineligible portion of the costs or of the deficiency. The applicant has 14 days after receipt of the rejection of the application receiving the notice to correct any inadequacies identified in the application by the chair. If the inadequacies are corrected within the time allowed, the application will be further considered.

Subp. 4. **Review Evaluation of documentation applications.** If the applicant, the costs, and the project are determined to be eligible and the application is complete, the ~~chairperson~~ board shall; ~~within 45 days after the receipt of the application, review the application to determine whether the supporting documentation is adequate. In determining whether the documentation is adequate, the chairperson shall consider~~ evaluate the application to determine whether the documentation demonstrates:

- A. that the project is conceptually and technically feasible;
- B. that affected political subdivisions are committed to implementing the project, providing necessary local financing, and accepting and exercising the government powers necessary for project implementation and operation;
- C. that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project; and
- D. that the applicant has evaluated the feasible and prudent alternatives to disposal and has compared and evaluated the costs of the alternatives, including capital and operating costs, the effects of the alternatives on the cost to generators, and the effects of the alternatives on the solid waste management and recycling industry within the project's service area;
- E. ~~that the applicant has completed a comprehensive solid waste management plan conforming to the requirements of Minnesota Statutes, section 115A.46, including consideration of solid waste management alternatives; and~~
- F. ~~that the project demonstrates a technology that is of potential statewide application or significance.~~

Subp. 5. **Consultation with other agencies.** In determining the adequacy of the documentation its evaluation of the application, the ~~chairperson~~ board shall consider any recommendations provided by the Pollution Control Agency, the ~~appropriate regional development commission~~, the State Planning Agency, and; ~~if appropriate, the appropriate regional development commission or the Metropolitan Council.~~

Subp. 6. **Board determination of sufficient documentation.** If the ~~chairperson~~ chair determines that the documentation in the application is ~~adequate~~, the application shall be considered final and the applicant shall be so notified. ~~The application shall then be referred to the board to be evaluated as provided in part 9200.8800. If the chairperson determines that the documentation in the application is inadequate, the chairperson shall return the application together with a statement of the reasons for rejecting the application. The applicant shall have 14 days after receipt of the rejection of the application to correct the inadequacies in the documentation.~~

If the ~~inadequacies in the documentation are corrected within the time allowed, the application shall be considered final and the applicant shall be so notified. The application shall then be referred to the board to be evaluated as provided in part 9200.8800. If the board determines that the application satisfies the requirements of subpart 4, the board shall determine the amount of the grant, loan, or grant and loan award and the applicant shall be notified of the grant, loan, or grant and loan awarded. If the board determines that the application fails to satisfy the requirements of subpart 4, the board shall reject the application and the chair shall return the application to the applicant, together with a statement of the reasons for rejection.~~

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PROPOSED RULES

9200.9000 AWARD OF GRANTS AND LOANS.

Subpart 1. to 3. [See Repealer.]

Subp. 4. **Maximum awards.** The maximum loan award shall be 50 percent of the eligible costs specified in the application or ~~\$700,000~~ \$200,000, whichever is less. The maximum grant award shall be 50 percent of the eligible costs specified in the application or ~~\$300,000~~ \$200,000, whichever is less. The maximum combined grant and loan award is \$400,000.

Subp. 5. **Limitations.** ~~No funds shall be awarded for costs for which the applicant has applied for and received funds from another source.~~

~~No grant or loan shall be disbursed until the board has determined the total cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project.~~

Grants and loans shall be awarded to cover the eligible costs of only those tasks which are undertaken and completed during the grant and loan period established in the grant and loan agreement. The amount of the board's grant, loan, or grant and loan award shall be limited to an amount needed to complete the project considering all sources of funding presently available to the applicant.

Grants and loans shall not be awarded to cover any cost associated with tasks performed prior to before the award of a grant, loan, or grant and loan or after the expiration of the grant, loan, or grant and loan agreement.

Subp. 6. Limitations on disbursement of funds. No funds shall be disbursed until the board has determined the total estimated capital cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project.

9200.9100 GRANT, LOAN, OR GRANT AND LOAN AGREEMENT.

Subpart 1. **Requirements.** ~~The A grant, loan, or grant and loan agreements must agreement shall:~~

- A. ~~contain~~ include as attachments the resolutions required under Minnesota Statutes, section 115A.54, subdivision 3;
- B. incorporate by reference the final ~~grant and loan~~ application submitted to the board in accordance with part 9200.8600;
- C. establish the term of the grant, loan, or grant and loan. ~~All Grants awarded under this rule parts 9200.8100 to 9200.9100 shall have a maximum term of two years. All Loans awarded under this rule parts 9200.8100 to 9200.9100 shall have a loan life determined by considering facility type, expected life of equipment, capital cost of the project, and loan amount;~~
- D. in the case of a loan agreement, include schedules for the repayment of principal and interest;
- E. ~~provide that allow~~ the recipient ~~shall be authorized~~ to enter into contracts to complete the work specified in the agreement subject to any board approval that may be required in the agreement;
- F. provide that any cost overruns incurred in the development of the proposed facility shall be the sole responsibility of the recipients;
- G. provide that the board will not accept amendments requesting that additional grant and loan funds be awarded to the recipient; and
- H. require that the recipient provide a report periodic reports to the board on the developmental and operational history of the project so that knowledge and experience gained from the project may be made available to other communities in the state;
- I. provide that if the recipient sells the facility to a private enterprise, all outstanding loan obligations to the board shall become due and payable upon sale to the private enterprise;
- J. require total repayment of the grant if the facility is sold to a private enterprise within three years of the effective date of the grant agreement. Beginning on the third anniversary of the grant, the amount of the grant that must be repaid shall be reduced ten percent each year. The sales agreement between the recipient and the private enterprise shall transfer the responsibilities outlined in item H to the private enterprise; and
- K. require that the facility may only be sold to a private enterprise in accordance with the constitution of the state of Minnesota and any applicable Minnesota statutes and rules.

Subp. 2. **Rescission of grants and loans.** If projects are not completed and operational in accordance with the terms and conditions of the respective agreements, including time schedules, the grants and loans for those projects shall be rescinded, and the entire amount of grants and loans shall be repaid unless the board determines that variances from the respective agreements are justified and that the original objectives of the project will be accomplished.

Subp. 3. **Disbursement.** The board shall disburse grants in accordance with the payment schedule ~~set out~~ in the grant, loan, or grant and loan agreement.

Subp. 4. **Interest payments.** Interest payments on the loan shall be due annually and shall begin to accrue from the date the loan agreement is signed. The first repayment of the principal amount of the loan shall be due one year after the facility becomes operational or two years after the date the loan agreement is executed, whichever is earlier. The board shall consider the facility operational at the point where the facility meets all vendor guaranteed operating specifications. Subsequent repayments of principal and interest shall be due annually on the anniversary date of the first repayment.

Subp. 5. and 6. [See Repealer.]

REPEALER. Minnesota Rules, parts 9200.8100, subpart 21; 9200.8700, subpart 1; 9200.8800; 9200.9000, subparts 1, 2, and 3; 9200.9100, subparts 5 and 6; and 9200.9200 are repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Energy and Economic Development Authority

Adopted Rules Relating to Tourism Loan Program

The rules proposed and published at *State Register*, Volume 10, Number 39, pages 1961-1965, March 24, 1986 (10 S.R. 1961) are adopted as proposed.

Higher Education Coordinating Board

Adopted Rules Relating to Part-time Student Grants

The rules proposed and published at *State Register*, Volume 10, Number 33, pages 1654-1656, February 10, 1986 (10 S.R. 1654) are adopted as proposed.

Department of Human Services

Adopted Rule Relating to Medical Assistance Reimbursement to Day Service Providers

The rule proposed and published at *State Register*, Volume 10, Number 34, pages 1708-1709, February 17, 1986 (10 S.R. 1708) is adopted as proposed.

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ADOPTED RULES

Department of Labor and Industry

Occupational Safety and Health Division

Adopted Revisions to the Occupational Safety and Health Standards

Pursuant to Minn. Stat. § 182.655 (1984) notice was duly published in the *State Register*, Volume 10, Number 42, dated April 14, 1986 [10 S.R. 2157] specifying the modification of certain Occupational Safety and Health Standards; specifically, the revisions to Occupational Exposure to Cotton Dust standard (29 CFR 1910.1043).

No objections, comments or written requests for public hearing have been received; therefore, this Occupational Safety and Health Standard is adopted and is identical in every respect to its proposed form.

Steve Keefe
Commissioner of Labor and Industry

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Office of Administrative Hearings

Outside Opinion Sought Concerning Rules to Implement the Equal Access to Justice Act

Pursuant to the provisions of Minnesota Statutes, § 14.10, notice is hereby given that the Minnesota Office of Administrative Hearings will be seeking information or opinions in preparing to propose the adoption of amendments to the procedural rules for contested case hearings.

The primary reason for the solicitation of information is to determine whether it is necessary or appropriate to adopt additional rules to implement the provisions of the Equal Access to Justice Act, Minnesota Laws 1976, Chapter 377. However, interested persons should feel free to submit their thoughts and ideas relating to any other parts of the contested case rules which may be in need of amendment, especially if there are amendments which would aid in making the contested case hearings move more expeditiously and at less costs to all participants.

A very brief set of procedural rules to implement the Equal Access to Justice Act is being proposed in this same issue of the *State Register*. However, the office believes it may be appropriate to adopt additional interpretive rules to establish standards and criteria for determinations of attorney's fees, to further define terms such as "prevailing party" and "substantially justified". The office is looking at rules adopted by Federal agencies such as the Department of Labor, the Department of Transportation, the Federal Communications Commission and the Environmental Protection Agency for guidance.

Persons interested in submitting any information, ideas, opinions or thoughts should submit them, in writing, by July 3, 1986. The submissions are to be sent to:

Duane R. Harves
Chief Administrative Law Judge
Minnesota Office of Administrative Hearings
400 Summit Bank Building
310 - 4th Avenue South
Minneapolis, Minnesota 55415
612/341-7640

All written submissions received shall become part of the rulemaking record in the event amendments are proposed.

Minnesota Board on Aging

Public Comments Sought on Proposed State Plan for Federal Fiscal Years 1987-1990

Notice is hereby given that the Minnesota Board on Aging seeks public comment on its proposed State Plan for federal fiscal years 10/1/87 through 9/30/90.

The proposed plan reflects the Board's priorities during that four year period. When approved, the plan qualifies Minnesota for federal funds under the Older Americans Act.

Copies of the proposed State Plan may be obtained by writing to the Minnesota Board on Aging, Suite 204, Metro Square Building, 7th & Robert Streets, St. Paul, MN 55101, or by telephoning its offices at (612) 296-2770 (metropolitan area), or toll-free at Aging Information Line 1-800-652-9747 (outstate area). Copies of the plan will also be available for review at the offices of the Area Agencies on Aging.

All interested persons or groups are requested to participate. Comments may be made in writing through Monday, July 1, 1986, at 4:30 p.m., and should be addressed to:

Minnesota Board on Aging
Suite 204, Metro Square Building
7th & Robert Streets
St. Paul, MN 55101
Attention: Karin E. Sandstrom

Minnesota State Agricultural Society

Minnesota State Fair

Meeting Notice

The board of managers of the Minnesota State Agricultural Society, governing body of the Minnesota State Fair, will conduct a general business meeting at 10 a.m. Thursday June 12 at the Administration Building on the fairgrounds, St. Paul. Preceding the general meeting will be a meeting of the board's space rental committee at 9:30 a.m.

Minnesota Department of Commerce

Minnesota Joint Underwriting Association—Temporary Activation to Insure Specified Classes of Business

Notice is hereby given that, pursuant to Minnesota Statutes, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain liability insurance from private insurers:

Landfills (does not include Environmental Impairment Liability Coverage)

The MJUA and MAP are activated to provide assistance to the above classes of business, for a period of 180 days following publication of this notice. Pursuant to the requirements of Minnesota Statutes 62I.22, a hearing before an administrative law judge will be held to determine whether activation should continue beyond 180 days. Notice of the time, date, and place of the hearing will appear in the *State Register* at a later date.

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OFFICIAL NOTICES

Questions regarding the MJUA, the MAP, or this notice should be directed to:

David Corum
Research Analyst
Minnesota Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 297-3301

Michael A. Hatch
Commissioner

Department of Commerce Division of Financial Examinations

Outside Opinions Sought Concerning Proposed Rules Governing Development Loans for Financial Institutions Owned by Interstate Bank Holding Companies Including the Impact of the Rules on Small Business

Notice is hereby given that the Minnesota Department of Commerce is soliciting information and opinions from sources outside the agency in preparing to promulgate new rules relating to the requirement that a financial institution located in this state owned by an interstate bank holding company provide a level of development loans in this state. The adoption of the rules is authorized by 1986 Minn. Laws ch. 339, § 14.

The Department of Commerce requests information and opinions concerning the subject matter of the rules. Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Statutes § 14.115, subdivision 1. Interested persons or groups may submit data or views on the subject matter of concern orally or in writing. Written statements should be addressed to:

James G. Miller, Deputy Commissioner
Division of Financial Examinations
500 Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
(612) 296-2135

Oral statements will be received during regular business hours over the telephone at (612) 296-2715 and in person at the above address.

All statements of information and comment shall be accepted until July 31, 1986. Any written material received by the Department of Commerce shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce Division of Financial Examinations

Outside Opinions Sought Concerning Proposed Rules Governing Reciprocal Interstate Branching by Savings and Loan Associations Including the Impact of the Rules on Small Business

Notice is hereby given that the Minnesota Department of Commerce is seeking information and opinions from sources outside the agency in preparing to propose new rules governing procedural requirements for savings and loan associations to establish or operate branch offices in this state and other states by acquisition, merger, or consolidation under reciprocating state law. The adoption of the rules is authorized by 1986 Minn. Laws, ch. 339, § 16, which requires the agency to adopt rules to provide that procedural requirements equivalent to those established by law for banks to apply to reciprocal interstate branching by savings and loan associations.

The Department of Commerce requests information and opinions concerning the subject matter of the rules. Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Statutes § 14.115, subdivision 1. Interested persons or groups may submit data or views on the subject matter of concern orally or in writing. Written statements should be addressed to:

James G. Miller, Deputy Commissioner
Division of Financial Examinations
500 Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
(612) 296-2135

Oral statements will be received during regular business hours over the telephone at (612) 296-2715.

All statements of information and opinions shall be accepted until July 31, 1986. Any written material received by the Department of Commerce shall become part of the record submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Ethical Practices Board

Notice of 1986 Campaign Expenditure Limits

In accordance with Minn. Stat. §§ 10A.25 and 10A.255, the following are election year campaign expenditures limits for 1986, by office sought: Governor and Lt. Governor, \$1,418,213; Attorney General, \$236,369; Secretary of State, State Treasurer, State Auditor (each), \$118,185; State Senator, \$35,456; and State Representative, \$17,728.

Department of Finance

Notice is hereby given that the Rural Finance Administration (RFA) in the Department of Finance is seeking written comment on draft rules for the operation of a new program to assist Minnesota farmers in restructuring their land debt. Copies of the draft rules are available upon request from:

RFA Program Director
309 Administration Building
St. Paul, MN 55155
(612) 296-5900

Comments are due at the address above on June 16, 1986 at 4:30 pm.

Departments of Human Services and Health Merit System

End of Solicitation Period for Comment Concerning Merit System Rules

Notice is hereby given that the comment period for the notice of intent to solicit outside opinion concerning Minnesota Merit System rules, published in the *State Register* April 7, 1986, will end on June 9, 1986.

Questions concerning the comment period may be addressed to:

Ralph W. Corey, Supervisor
Minnesota Merit System
Fourth Floor, Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Phone: (612) 296-3996

OFFICIAL NOTICES

Department of Jobs and Training State Job Training Office

Re-Designation of Stearns County Under the Job Training Partnership Act.

Notice is hereby given that the Governor is considering re-designating Stearns County under the Job Training Partnership Act (JTPA) (Pub.L. 97-300).

Pursuant to JTPA Sec. 105(c)(1), the Governor shall re-designate an SDA if the Private Industry Council (PIC) and the appropriate Chief-Elected Official (CEO) or officials fail to reach agreement on a local Job Training Plan.

In a letter to the Governor on May 19, 1986, the Chairman of the Stearns County Board of Commissioners repeated the Board Resolution of March 11, 1986, to withdraw from its Joint Powers Agreement with PIC 5 effective July 1, 1986.

Written statements and comments on the re-designation of Stearns County may be submitted to:

Gary S. Denault, Director
State Job Training Office
690 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
612/296-8008

Written statements and comments will be accepted until 4:30 p.m. on June 16, 1986.

Board of Medical Examiners

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Fee Splitting

NOTICE IS HEREBY GIVEN that the Board of Medical Examiners is seeking information or opinions from sources outside the agency in preparing to adopt rules governing fee splitting. The adoption of rules is authorized by Minn. Stat. §§ 14.05 and 147.01.

The Board of Medical Examiners requests information and opinions concerning the subject matter of the rule and is also interested in receiving information about existing financial arrangements which may raise issues relating to fee splitting. This information can be submitted in hypothetical form. Interested persons or groups may submit data or views on the subject matter of the proposed rule in writing or orally. Written statements should be addressed to:

David Ziegenhagen
Minnesota Board of Medical Examiners
Suite 106
2700 University Avenue West
St. Paul, Minnesota 55114

Oral statements will be received during regular business hours by telephone at (612) 642-0528 and in person at the above address.

All statements of information and opinions shall be accepted until August 1, 1986. Any written materials received by the Board of Medical Examiners shall become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event the rule is adopted.

21 May 1986

David Ziegenhagen
Executive Director

Minnesota Pollution Control Agency

Outside Opinion Sought Regarding Amendments of State Water Quality Standards (Minnesota Rules Chapter 7050 and Appeal of Minnesota Rules Parts 7065.0300 Through 7065.0450)

Notice is hereby given that the Minnesota Pollution Control Agency (agency) is seeking opinions, suggestions, and comments

from sources outside the agency to assist in the preparation of proposed amendments to state water quality standards found in Minnesota Rules Chapter 7050, and in the possible repeal of Minnesota Rules Parts 7065.0300 through 7065.0450, which contain effluent limitations for dischargers to specific reaches of the Vermillion and South Fork of the Zumbro Rivers.

Chapter 7050 includes general standards applicable to all waters of the state, numerical water quality standards for the protection of specific beneficial uses such as swimming and fishing, effluent standards for dischargers, and a use classification system for all waters of the state.

The agency is seeking opinions on any portion of the cited rules, but is particularly interested in comments on the following changes the agency is considering:

1. Control of nonpoint source pollution. The agency is considering adding language to the rule to more specifically control nonpoint source pollution. Nonpoint source pollution includes, for example, polluted runoff from farm fields, parking lots, city streets, and construction sites. This action is being considered by the agency as one of the initial steps in applying water quality standards to better control nonpoint source pollution.

Questions for comment:

- a. What are the views of the public on the importance of nonpoint sources of pollution to Minnesota's public waters?
- b. What types of nonpoint source control and what practices to reduce nonpoint source pollution should be considered?

2. Change in effluent limitations for some industrial dischargers. The agency is considering changing the present requirement that industries with biodegradable materials in their wastewater must meet the technology based secondary treatment requirements of 25 mg/l 5-Day Carbonaceous Biochemical Oxygen Demand (CBOD₅) and 30 mg/l Total Suspended Solids (TSS) as 30-day average effluent concentrations. Industries affected by this change would include the wood products, meat packing, rendering and food processing industries. In place of the secondary treatment limitations, the agency is considering using the U.S. Environmental Protection Agency (EPA) technology based new source performance requirements. In general, EPA new source performance requirements are less stringent than the current state requirements. The change would apply only to new or expanding industrial facilities, and in no case would the agency change effluent limitations if it would result in water quality standards violations.

Questions for comment:

a. What are the views of the public on adoption of federal new source performance standards that are less strict than existing state requirements?

b. What environmental concerns should the agency be aware of in considering this change?

3. Change in secondary treatment requirements for certain trickling filter wastewater treatment plants and certain waste stabilization ponds. The agency is considering adopting all or part of the new EPA definition of secondary treatment that allows some trickling filter plants and waste stabilization pond systems effluent limitations up to 40 mg/l CBOD₅ and 45 mg/l TSS when there are no violations of water quality standards (49 Fed. Reg. 436986, September 20, 1984). The EPA regulation is less stringent than the current state effluent requirements for these facilities.

Questions for comment:

a. Should the agency adopt the EPA definition of secondary treatment for trickling filter plants and waste stabilization ponds?

b. Should the 40 mg/l CBOD₅ and 45 mg/l TSS limitation, if they are adopted, apply only to existing facilities or to both existing facilities and new facilities constructed in the future?

c. What environmental impacts would this change have if adopted?

4. Change in water quality standards for bacteriological indicator organisms. The agency is considering adopting all or part of the new EPA bacteriological criterion (51 Fed. Reg. 8012, March 7, 1986) as a state standard to replace or augment the current fecal coliform standard. EPA's new criterion is not to exceed 126 *Escherichia coli* organisms per 100 ml of water, or not to exceed 33 enterococci organisms per 100 ml of water.

Questions for comment:

a. Is the new EPA bacteriological criterion adequately supported and a better indicator of water borne human pathogens than fecal coliform bacteria?

b. If the agency changes the fecal coliform water quality standard, should it also change the fecal coliform effluent limitation?

5. Outstanding resource value waters. In November 1984 the agency adopted a nondegradation policy that identifies certain waters as outstanding resource value waters (ORVW). These waters are given extra protection from pollution to maintain their

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present quality. Examples of waters currently designated as ORVWs include the lakes and streams in the Boundary Waters Canoe Area Wilderness, designated wild and scenic rivers, and Lake Superior. The agency is considering adding some waters to the ORVW list such as the state's trout lakes, and certain fens identified as ecologically significant by the Department of Natural Resources.

Questions for comment:

a. Should the agency add to the list of ORVWs? If so, are trout lakes and certain wetlands such as fens appropriate candidates?

b. Are there other waters of the state that should be given ORVW designation?

6. Repeal of Minnesota Rules Parts 7065.0300-7065.0450. The agency is considering repealing these rules because they are outdated. Repeal will not affect the achievement of applicable water quality standards in the affected reaches of the Vermillion and South Fork of the Zumbro Rivers.

Any person may submit data or opinions on these possible amendments or on any other provisions of the cited rules. Comments may be written or oral. Any written material received in response to this notice will become a part of any rulemaking record generated in this matter.

Written comments and statements may be submitted to Mr. David Maschwitz at the address listed below:

Minnesota Pollution Control Agency
Division of Water Quality
1935 West County Road B-2
Roseville, Minnesota 55113

Oral comments and inquiries may be directed to Mr. Maschwitz during normal business hours at the agency office or over the telephone at (612) 296-7252.

Written and oral comments will be accepted until July 2, 1986.

23 May 1986

Thomas J. Kalitowski
Executive Director

Department of Transportation Division of Technical Services

Notice of Potential Availability of Contracts for a Variety of Highway Related Technical Activities

The Minnesota Department of Transportation (Mn/DOT) is carrying out an expanded highway program. To assist it with the implementation of this program, Mn/DOT may require the services of qualified consultants for work which may include but, not be limited to:

Category A: Preliminary Design (Environmental Studies, Project Development Reporting and Geometric Layouts).

Category B: Detail Design & Plan Preparation

1. Highway
2. Lighting
3. Signing
4. Traffic Signals
5. Landscaping
6. Hydraulics

Category C: Field Surveys (Control, Design)

Category D: Geotechnic Investigation

1. Soils Survey/Borings
2. Soils Analysis/Recommendations
3. Foundation Survey/Borings
4. Foundation Analysis/Recommendations

Category E: Special Services

1. Land use Study (Planning)
2. Chemical Disposal or Recycle

3. Endangered Species
4. Building Condition Survey
5. Traffic Forecasting and Analysis
6. Water
7. Air
8. Noise
9. Hydrologic
10. Vibration (Blasting, Pile Driving)
11. Expert Witness (Litigation-Testimony)
12. Audit Evaluation (Federal Procurement Regulations)
13. Pavement Management

- Category F: Construction
1. Management
 2. Inspection
 3. Staking

Those consultants who wish to be considered for any of the potential projects, please furnish the following information:

1. Federal Forms 254 & 255 and your brochure if you have one.
2. Indicate the category of activity in which you are qualified and wish to be considered (Example: B-1-5-6, C).
3. Indicate in which fields your key personnel are registered (Engineer, Architect, etc.).
4. Indicate whether your firm has a Certificate of Compliance from the Minnesota Department of Human Rights. Minn. Stat. 363.073 (1984)
5. Indicate if your firm is certified with the State of Minnesota as a Socially, Economically, Disadvantaged (SED) firm. Minn. Stat. 16B.19 (1984).
6. Indicate if your firm qualifies as a Small Business Enterprise within the definition contained in Minn. Stat. 645.445 (1984).

It is expected that a qualified reference list will be developed from the responses that will remain in effect until June 30, 1987.

This is not a request for proposal. All expressions of interest in being considered shall be delivered to the address indicated below not later than four o'clock (4:00 PM June 20, 1986.

B. E. McCarthy, Director
Agreement Services Section
Transportation Building, Room 612B
St. Paul, Minnesota 55155
Telephone: (612) 296-3051

Department of Transportation

Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under Minn. Stat. § 169.825.

Whereas, the Commissioner of Transportation has made his Order No. 68884 as amended by Orders Nos. 69226, 69269, 69270, 69344, 69353, 69595, 69770, 69796, 70006, 70031, 70152, 70455, 70520, 70580, 70652, 70698, 70747, 70749, 70765, 71011, and 71070 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under Minnesota Statutes § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 68884 is amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

TRUNK HIGHWAYS

T.H. 53—From Cook to International Falls (Effective: 12 months)

21 May 1986

Richard P. Braun
Commissioner

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration—Procurement Division

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers.

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Coded-Wire Fish Tag Injector	June 3, 1986	Natural Resources	Glenwood	29-000-43869
Painting Walls & Ceiling at St. Cloud Correctional Facility	June 3, 1986	Corrections	St. Cloud	02-310-14611
Window Cleaning—Mpls./St. Paul Airport	June 3, 1986	Military Affairs	Military	01-000-04566
Truck Mounted Crash Attenuators	June 3, 1986	Transportation	Duluth	79-382-01087
Pick-up	June 3, 1986	Natural Resources	St. Paul	29-006-05091
Riding Mower	June 3, 1986	Corrections	Shakopee	78-640-01366
Halon System	June 4, 1986	State University System	Mankato	26-071-16549 Rebid
Decmate System	June 4, 1986	MN Pollution Control Agency	Roseville	32-200-14273
Monitoring Equip.	June 4, 1986	MN Pollution Control Agency	Roseville	32-200-14275
Infrared Spectrometer	June 4, 1986	Public Safety	St. Paul	07-300-38054
Air Monitor	June 4, 1986	MN Pollution Control Agency	Roseville	32-200-14272
Air Monitor	June 4, 1986	MN Pollution Control Agency	Roseville	32-200-14274
Microlead	June 4, 1986	MN Pollution Control Agency	Roseville	32-200-14286
Carpet & Install	June 4, 1986	Administration—Plant Mgmt.	St. Paul	02-307-45403-Rebid
Traffic Signal System	June 4, 1986	Public Safety State Patrol	Same	07-500-36658
Carpet Shampooer	June 4, 1986	State University System	Mankato	26-071-16603
Word Processor	June 5, 1986	Human Services	Willmar Reg. Treatment Ctr.	55-106-06206
Aircraft Access & Comp.	June 5, 1986	Natural Resources	Southern Services Ctr.	29-000-43896
Medical Equip. Rebid	June 5, 1986	Corrections	Shakopee	02-310-14767
Dental Equip. Rebid	June 5, 1986	Corrections	Shakopee	03-210-14767
Spectrometer	June 5, 1986	Health	Minneapolis	12-400-91948
Analyzer Work Station	June 5, 1986	Transportation	St. Paul	79-000-52437
Vacuum Evaporator	June 5, 1986	Health	Minneapolis	12-400-91862
Student Guide	June 9, 1986	State University System	Winona	26-074-10859-7583
Janitorial Service Contract	June 9, 1986	Iron Range Resources & Rehabilitation Board	Chisholm	43-000-07041

<u>Commodity for Bid</u>	<u>Bid Closing Date at 2 pm</u>	<u>Department or Division</u>	<u>Delivery Point</u>	<u>Requisition #</u>
Divisional Brochures	June 9, 1986	State University System	Winona	26-074-10863-7582
Special PERA Newsletter	June 9, 1986	Central Mail Public Employees Retirement Assn.	St. Paul	63-000-00883-7957
Purchase of Terminals	June 9, 1986	Mn. Pollution Control Agency	Roseville	32-100-14364
Continuous Form Warrants	June 9, 1986	Various St. Agencies	St. Paul	Price-Contract
Security Services IRRRB	June 9, 1986	Iron Range Resources & Rehabilitation Board	Eveleth	Price-Contract
Security System	June 9, 1986	Anoka Ramsey Community College	Coon Rapids	27-152-46283
Proj. System	June 9, 1986	Natural Resources	St. Paul	29-000-43740-Rebid
Lounge Furnishings	June 9, 1986	Human Services Regional Treatment Ctr.	St. Peter	02-310-14599

Department of Human Services Fergus Falls Regional Treatment Center

Request for Proposals for Services to be Performed on a Contractual Basis

Notice is hereby given that the Fergus Falls Regional Treatment Center, Department of Human Services, is seeking the following services which are to be performed as requested by the Administration of the Fergus Falls Regional Treatment Center. Contract will be written for the period July 1, 1986 through June 30, 1987.

Services of qualified physicians to function in the capacity of attending staff physicians, to perform admission and annual history and physical examinations and continuing medical care upon the residents of the Fergus Falls Regional Treatment Center in accordance with high professional standards and in a manner prescribed by the policies of the Fergus Falls Regional Treatment Center and the Minnesota Department of Human Services, and at times mutually agreed to by the Consultant and the Medical Director of the Fergus Falls Regional Treatment Center. The estimated amount of the contract will not exceed a total of \$60,025.00.

Department of Human Services Moose Lake Regional Treatment Center

Request for Proposal for Medical Services

Notice is hereby given that the Moose Lake Regional Treatment Center, Mental Health Bureau, Department of Human Services, is seeking the services for the period July 1, 1986 thru June 30, 1987. These services are to be performed as requested by the Administration of the Moose Lake Regional Treatment Center.

Services of a Psychiatrist to perform consultation services in Psychiatry for the Moose Lake Regional Treatment Center two days each week and the consultant will serve in an "On Call" capacity one night each week as agreed to by himself and the Medical Director of the Moose Lake Regional Treatment Center. Other consultations will occur via phone or mail as needed and as deemed appropriate. The estimated amount of contract is \$49,000.00.

Services of medical doctors specializing in psychiatry so that accurate diagnosis and proper treatment is provided especially in the use of chemical therapy. The estimated amount of the contract is \$23,400.00.

Responses to these services must be received by June 23, 1986. Direct inquiries to:

Frank R. Milczark
Chief Executive Officer
Moose Lake Regional Treatment Center
1000 Lakeshore Drive
Moose Lake, MN 55767
(218) 485-4411 Ext. 242

Department of Human Services St. Peter Regional Treatment Center

Request for Proposal for Medical Services

Notice is hereby given that the St. Peter Regional Treatment Center, Residential Facilities Administration, Department of Human Services, is seeking the services which are to be performed as requested by the Administration of the St. Peter Regional Treatment Center. The following contracts will be written for the period July 1, 1986 thru June 30, 1987.

1. Services of a psychologist to serve the needs of the mentally ill/hearing impaired patients. Estimated amount of the contract will not exceed \$15,000.00.
2. Service of an individual certified in the art of signing, to serve the needs of the hearing impaired. Estimated amount of the contract will not exceed \$16,640.00.

Responses must be received by June 23, 1986. Direct inquiries to:

Tom Bolstad
St. Peter Regional Treatment Center
100 Freeman Drive
St. Peter, MN 56082
Phone: (507) 931-7116

Minnesota Racing Commission

Request for Proposal for Administrative Law and Administrative Rulemaking Consultant

Notice is hereby given that the Minnesota Racing Commission (MRC) is seeking a highly qualified consultant to assist the MRC and its Executive Director in the development, implementation, and administration of policies, procedures, and administrative rulemaking concerning potential licensure of out-state pari-mutuel horse racing tracks.

Applicants must be licensed as an attorney by the State of Minnesota and should have extensive experience in administrative law, racetrack or similarly related license application procedures, and be completely familiar with the requirements of the Minnesota Administrative Procedure Act. Previous legal experience with Minn. Stat. § 240 is preferable.

Duration of the contract will be from July 1, 1986 to December 31, 1986. The estimated amount of this contract will not exceed \$20,000.

This request for proposal does not obligate the State to complete the projects and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Response to this Request for Proposal must be received by no later than 5:00 P.M. June 16, 1986.

Direct inquiries to:

David J. Freeman, Executive Director
Minnesota Racing Commission
11000 West 78th Street
Suite 201
Eden Prairie, Minnesota 55344
(612) 341-7555

Department of Transportation

Request for Proposal for Professional Services to Provide Vehicles and Administrative Support to Designated Van Pool Groups Throughout the State Under the Department's Rideshare Program

The Minnesota Department of Transportation (Mn/DOT) was created in 1976 with explicit responsibility to "be the principal agency of the state for development, implementation, administration, consolidation and coordination of state transportation policy, plans and program."

The Commissioner of Transportation has established a statewide ride sharing program in order to advise citizens of the available alternatives to travel by low occupancy vehicles and the benefits derived from sharing rides.

The Department has implemented a statewide ridesharing program. The thrust of this program is to address the concept of ridesharing without differentiating between vehicle types. The ability of individuals and organizations to act with minimum assistance from government is highlighted and stressed to encourage initiatives.

Under this R.F.P., Mn/DOT is seeking professional services to provide vehicles and administrative support to designated van pool groups throughout the state under the Department's Rideshare Program.

This request for proposals does not obligate the State of Minnesota to complete the project and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

General Overview

The services specified under this R.F.P. are to be provided as part of the statewide rideshare program being implemented by Mn/DOT. Principal elements of this program include:

1. A statewide rideshare program with consistent theme and material tailored to regional and local market factors.
2. A statewide van service contract to provide commuter vans and fleet management services.
3. Technical assistance and support for 27 regional programs individually tailored to market opportunities and client needs. Twenty-five of the 27 programs are located outside the Twin Cities metropolitan area. Additional subregional programs will be developed as needed with Mn/DOT staff providing the technical assistance to local implementers. The Twin Cities metro area program will consist of efforts by the Regional Transit Board (RTB). The RTB will provide marketing services, outreach marketing, ridematching and brokerage services.

Proposed Requirements

1. Project organization and staff
 - Names of project personnel
 - Organization of project personnel and corporate lines of authority
 - Professional qualifications of key personnel
 - Responsibilities of key personnel for development and implementation of the project
 - Location of local office (existing or proposed)
2. Corporate background/resources/relevant experience.
3. All items listed below that are discussed in the "contract requirements" should be discussed briefly in the proposal:
 - a. Annual administrative costs for the program
 - b. Capability to provide vehicles in accordance with the delivery schedule
 - c. Back-up vehicle program proposal
 - d. Insurance coverage to be provided
 - e. Proposed driver selection criteria and driver's training program
 - f. Draft of driver's agreement
 - g. Discussion of proposed drivers manual
 - h. Discussion of inspection and maintenance program
 - i. Discussion and calculation of the fare structure
 - j. Written policy statement regarding Affirmative Action/Equal Employment Opportunity/Minority Owned Business Program
 - k. Provision for handicapped drivers and/or passengers.
4. This is a cost plus fix fee proposal wherein Mn/DOT agrees to reimburse the contractor for ongoing administrative, overhead and operating costs.
5. In addition to the above, Mn/DOT will reimburse the contractor for vehicle holding costs, start up fare subsidies and absorption of additional costs, if any, for accommodation of handicapped persons.

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Contract Requirements

1. Placing Vans

Outreach programs will be conducted. Cities civic organizations and the general public will be contacted and surveyed for potential car and van pool groups. Mn/DOT will pay for the lease of the vans which will be used by the contractor. Names of Van Groups will be turned over to the contractor. The contractor will be responsible for selecting and training drivers and alternates, assisting in route selection, executing driver agreements, computing the commuter distance and assisting the driver in getting the van pool operational.

2. Vehicle Description

The vehicles to be provided for the van pooling program will have the following specifications:

- Vans—12 or 15-passenger, as needed
- Monotone paint scheme, varying colors with coordinated interiors
- 127" wheelbase with V-8 engine
- Vehicle—1 ton capacity
- Custom interior
- Vinyl front bucket seats with three-passenger bench seats with interior trim
- Color keyed floor mat
- Matching vinyl side panel trim
- Electronic ignition
- Automatic transmission
- Power front disc brakes
- Rust protection
- 36 gallon fuel tank
- Single rear door. Double side doors
- Push out windows
- Dual air conditioner and heater
- Dual electric horns
- Bright finish front and rear bumpers
- Engine heater block
- AM radio
- 4 8-ply radial tires plus snow tires if required
- Exterior swing lock mirrors with close range bubble
- Interior day/night mirror
- Heavy duty suspension and shock absorbers
- Heavy duty cooling system
- Heavy duty alternator and battery
- Oil and amp indicators
- Courtesy lights
- Scuff plates
- Insulation package
- Deluxe wheel covers
- Seat belts—driver and all passenger positions
- Flare, first aid kits and fire extinguishers

- Spare tire, jack and lug wrench
- Tire pressure gauge

3. The successful bidder shall assume leases on vans currently operating in Minnesota. At present there are 65 leased vans operating.

Operations

1. The van contractor will certify self-insurance or provide binders that the following minimum amounts of insurance on the vans and drivers will be operative:

- Bodily injury motor vehicle liability policy, \$300,000/\$500,000
- Personal injury protection—basic coverage, \$20,000/\$10,000
- Property damage, \$50,000
- Uninsured motorist coverage, \$25,000/person, \$50,000/accident
- Excess liability on the vehicle, \$1,000,000
- General liability, \$1,000,000

—Collision and comprehensive with whatever deductibles are desired. Self insurance is permissible. Deductibles shall be the responsibility of the van operator, unless other arrangements are approved.

2. Contractor is responsible for providing vans in full compliance with State and Federal Safety Standards.

3. The van contractor will be responsible for licensing of the vehicles as van pools as that term is used in Minnesota Statutes relating to motor vehicles (approximately \$35.00/yr.).

4. The van contractor will pay all taxes assessed on the vans and those related to van pool operation.

5. The van contractor shall develop driver selection criteria to be reviewed and approved by Mn/DOT.

6. Contractor will conduct a driver orientation and training program.

7. The van contractor will enter into written agreement with the van drivers, subject to review of the agreement form by Mn/DOT. These agreements shall specifically outline the driver's responsibilities and limitations. The van contractor shall permit the van drivers and their spouses to use the vans for personal purposes, however specific limitations on the usage of said vans will be established. The driver will not pay a fare. The driver may also be given a percentage of the excess fare collected beyond those needed to cover the fixed and operating costs of the van. The van contractor will charge the driver a mileage fee to cover at least the operating expenses for personal use of the vehicle.

8. A van pool driver's manual will also be developed by the van contractor and reviewed by Mn/DOT. This manual should outline such things as the driver's responsibility and relationship to the van contractor, safety precautions, things to do in case of accident or injury, personal use, maintenance, fuel purchasing arrangements, and billing and recordkeeping arrangements. This manual will also contain information contained in the driver's agreement.

9. The van contractor will establish procedures and guidelines for purchasing fuel and obtaining regular and emergency maintenance services for the vans.

10. The contractor will be responsible for inspection and repair of the vehicles and will establish a preventive maintenance program to be discussed in the proposal.

11. The van contractor agrees to keep full and complete books of account under generally accepted accounting principles reflecting its operations relating to the van pool program. The van contractor will be responsible for developing a fare collection system, collecting fares, and making all required disbursements. Late payments or defaults are the responsibility of the operator. Fare increases will require a 30 day advance notification by the contractor. The van contractor will be required to supply monthly financial statements. The van contractor's records, accounts and documents will be subject to inspection, copying or auditing by Mn/DOT.

12. The van contractor shall provide for all supervisory, managerial and maintenance services as necessary or useful for the operation of the van pool program.

Fare Structure

The proposal must contain a detailed explanation of the van fare structure and the fare levels.

The fare structure should be based on the following considerations:

1. Distance traveled from the riders' residence to work for van pools where all riders live in close proximity. A zone system for fares may be developed and used for van pools where riders live further apart, or both.

STATE CONTRACTS

2. A breakeven number of passengers needed to reach the point where the fare revenues will cover the fixed and operational costs of the van.
3. Calculations of the total fixed and operating costs for a twelve (12) or fifteen (15) passenger van may include:
 - a. Lease cost
 - b. Insurance
 - c. Licensing, registration and taxes
 - d. Gas, oil and maintenance
4. Monthly fares shall be established in ten mile increments as examples for round trip distances.
5. Gas may be excluded from fare structure but an indication of how it will be handled should be in the proposal.

Reports

1. Monthly Progress Report

The contractor shall submit reports summarizing results of the monthly activities as a forward to the financial report.

The contractor shall submit at least the following information:

- number of vans in service
- employment site served by vans
- routes of vans
- number of van pool participants—names, home addresses and residential zip codes and employer names
- problem areas, plans to resolve them, and recommendations for improvements in the program.

2. Financial Reports

The contractor shall submit monthly financial reports to Mn/DOT. The reports shall contain the following information:

- Fare revenues
- Cost of back-up vans
- Revenue credit for 11th and 12th passengers (12 passenger vans)
- Revenue credit for 14th and 15th passengers (15 passenger vans)
- Number of passengers in each van
- Number of empty seats for vans in operation with fewer than nine passengers (12 passenger vans)
- Number of empty seats for vans in operation with fewer than twelve passengers (15 passenger vans)
- Ongoing administrative expenses
- Vehicle fixed and operating costs for vans in commuter services
- Profit computed on administrative expenses
- Fare structure of each van in operation.

Delivery

1. Schedule of Deliverables

Item Description	Delivery Date
a. Monthly Progress Reports	Monthly, commencing 1 month after effective date of contract due by the 18th of next month.
b. Monthly Financial Report	One month after costs are incurred by contractor due by the 18th of the next month.
c. Additional vans	No later than 6 weeks after notification.

Distribution of Deliverables

Two copies of each report as outlined shall be delivered to Mn/DOT.

Cancellation of Contract

Mn/DOT may terminate the project, in whole or in part, at any time before project completion, whenever it has determined that the van contractor has failed to comply with the conditions of the contract. Mn/DOT will notify the contractor in writing 30 days in advance of the termination date and reasons thereof. Upon receipt of such an order, the contractor shall forthwith comply with the

order and take all reasonable steps to minimize the incurrence of costs beyond the termination date. Mn/DOT shall reimburse the contractor for reasonable losses suffered up to but not to exceed 90 days after end of project, because of early termination of the project, i.e., loss on vehicle disposition or any other extraordinary costs.

Deadline for Submission of Proposals

All proposals must be sent to and received by:

Minnesota Department of Transportation
Office of Transit
815 Transportation Building
St. Paul, Minnesota 55155

not later than 4:30 p.m. June 19, 1986. Late proposals will not be accepted and will be returned to the sender.

Proposals are to be sealed in mailing envelopes or packages with the responders name and address clearly written on the outside. The cover sheet of the proposal shall be in the format of Exhibit A and shall be signed by an authorized individual of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

Criteria for Contractor Selection

All proposals received by the deadline will be evaluated by representatives of the Department of Transportation. Factors upon which proposals will be judged include but are not limited to the following:

1. Expressed understanding of the project objectives
2. Project Work Plan
3. Project cost
4. Project cost details
5. Estimated fare structure
6. Qualification of both company and personnel

This evaluation and selection of a contractor will be completed within ten working days of the proposed deadline. Responders will be notified by mail.

EXHIBIT A

A. CORPORATION PROPOSAL:

Name of Corporation

State in Which Incorporated

Business Address

Telephone

Attest:

By:

Secretary

President or Vice President

(Print Name)

(Print Name)

B. PARTNERSHIP PROPOSAL:

Name of Partnership

Name of Partnership

Business Address

Telephone

Names of Each Partner

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Witness:

By:

Signature

(Print Name)

Department of Veterans Affairs Request for Proposals for Medical Services

In accordance with Minn. Stat. 16.0981, the Department of Veterans Affairs is publishing notice that the contracts listed below are available and will be awarded for Fiscal Year 1987 (July 1, 1986 to June 30, 1987).

A. Minnesota Veterans Home—Minneapolis

The Veterans Homes—Minneapolis intends to engage the services of licensed individuals (where applicable) to provide various medical and related services to the residents of the facility. The estimated amount of the individual contracts are outlined below:

- | | |
|---------------------------------|----------|
| a. Dental Services | \$28,000 |
| b. Chaplain Services (Catholic) | \$7,000 |
| c. Optical/Related Services | \$3,000 |
| d. Medical Services | \$50,000 |
| e. Podiatry Services | \$7,000 |

B. Minnesota Veterans Home—Hastings

The Veterans Home—Hastings intends to engage the services of licensed individuals to provide various medical and related services to the residents of the facility. The estimated amount of the individual contracts are outlined below:

- | | |
|-------------------------------|----------|
| a. Medical/Physician Services | \$20,000 |
| b. Dental Services | \$17,000 |
| c. Optical/Related Services | \$ 3,500 |

C. Inquiries and formal expressions of interest in the proposed contracts outlined above should be submitted by June 16, 1986 to:

Tom Barrett, Administrative Management Director
2nd Floor, Veterans Service Bldg.
St. Paul, MN 55155

NON-STATE PUBLIC CONTRACTS

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Itasca County

Request for Proposals for Consulting Services

Notice is hereby given that Itasca County Board of Commissioners is requesting Proposals and Qualifications for consulting firms to develop Engineering Reports, Geotechnical Investigation Plans and other Site Assessment Plans which would comply with the Minnesota Pollution Control Agency requirements as set forth in Landfill Permits (SW-135) and (SW-73).

This notice is issued by the Itasca County Board of Commissioners for review and consideration by individuals or firms engaged

in providing consulting or contracting services. Interested persons should contact G. LeRoy Engstrom, Jr., County Highway Engineer, for a complete copy of the Request for Proposal and Request for Qualification (RFP/RFQ) requirements.

Proposals must be in writing and must be received by the County no later than 4:30 P.M. on July 7, 1986.

General inquiries and proposals should be sent to:

G. LeRoy Engstrom, Jr.
County Highway Engineer
Itasca County Courthouse
Grand Rapids, Minnesota 55744
(218) 327-2853

Metropolitan Council

Invitation for Sealed Bids for Copy/Duplicating Equipment

The Metropolitan Council is requesting sealed bids for copy/duplicating equipment. The sealed bids for equipment must have the capability to produce a monthly volume of 500,000 to 800,000 copies.

Specifications for this copy/duplicating equipment may be obtained by contacting Roy Larson, Information Systems Manager, at 291-6480. Specifications will be available June 2, 1986.

Sealed bids for this copy/duplicating equipment will be accepted by the Metropolitan Council until 11:30 a.m. C.D.T., on the 9th of June, 1986. The Purchasing Officer will publicly open the sealed bids in the Office of the Metropolitan Council at 1:30 p.m. C.D.T. on the 9th of June, 1986.

All sealed bids will be addressed to:

Metropolitan Council
300 Metro Square Building
St. Paul, Minnesota 55101
ATTN: Purchasing Officer

All sealed bids shall be marked "Copy/Duplicating equipment—To be opened at 1:30 p.m., June 9, 1986." Bids shall be accompanied by a bid bond, certified check, or a cashier's check payable to the Metropolitan Council in the amount not less than five percent (5%) of the total bid price.

The Metropolitan Council reserves the right to reject any or all bids, and to waive any minor irregularities and deviations from the specifications.

Maurice K. Dorton
Executive Director
Metropolitan Council

Metropolitan Waste Control Commission

Request for Proposal for Consulting Services to Develop a Comprehensive Long Range Information Systems Plan for the Metropolitan Waste Control Commission

The Metropolitan Waste Control Commission owns and operates the Metropolitan Disposal System which serves 101 communities located within the seven-county Twin Cities metropolitan area. The Disposal System includes 13 wastewater treatment plants, approximately 500 miles of interceptor sewer lines and related pumping, metering and monitoring stations. There are nine appointed Commissioners and 960 plus employees.

In April of this year the Metropolitan Waste Control Commission adopted Resolution No. 86-92 establishing a Computer Working Committee charged with developing a Request for Proposal to Develop a Comprehensive Long Range Information System Plan.

The focus of this Comprehensive Long Range Plan will be to examine the informational needs of the Commission through the years to 1995. The computer committee is seeking proposals from qualified consultants to conduct the three-phase Long Range Informational Plan to insure efficient, economical, and state of the art information processing.

NON-STATE PUBLIC CONTRACTS

Six (6) copies of the proposal are to be submitted to the Metropolitan Waste Control Commission by 5:00 P.M., June 23, 1986. Interested parties may contact Arnie Nelson at 3750 Plant Road, Eagan, MN 55123, 454-7860, Ext. 25 to receive a copy of the Request for Proposal.

21 May, 1986

Jean M. Erickson
Director of Administrative Services

SUPREME COURT DECISIONS

Decisions Filed Friday, 23 May, 1986

Compiled by Wayne O. Tschimperle, Clerk

CX-84-2153 State of Minnesota, petitioner, Appellant v. James Michael Cusick. Court of Appeals.

Evidence was sufficient to establish constructive possession of cocaine by defendant.

Reversed and judgment of conviction reinstated. Amdahl, C.J.

Dissenting, Wahl, J.

C5-84-1329, C0-84-1433 Andrew Rusthoven, Jr., petitioner, Appellant v. Commercial Standard Insurance Company and Western National Mutual Insurance Company, petitioner, Appellant. Court of Appeals.

Contradictory endorsements concerning liability limitations rendered the insurance policy at issue ambiguous. Therefore, the policy is to be construed in favor of the insured.

Reversed and remanded. Yetka, J.

Dissenting, Coyne, J., Kelley, J. and Simonett, J.

C1-85-687 Ramsey County Community Human Services Department, Appellant v. Pablo Davila. Court of Appeals.

The Ramsey County Civil Service Commission, as a veterans preference board, has the power, under Minn. Stat. § 83A.29 (1984), to modify a discipline recommended by the employer.

The Commission, however, abused its discretion in modifying the discipline in this case.

Affirmed in part; reversed in part. Scott, J.

CX-85-1997 Ivan C. Ericson v. Lenertz, Inc., Liberty Mutual Insurance Company, and Minnesota Workers' Compensation Assigned Risk Plan, Relator, State Treasurer, Custodian of the Special Compensation Fund. Workers' Compensation Court of Appeals.

The Workers' Compensation Court of Appeals erred in setting aside an award on stipulation for mistake of fact and in determining the attorney fees provided in the award were excessive and a mistake of law.

Reversed. Simonett, J.

C2-86-272 In the Matter of the Application for the Discipline of Howard J. Moore, an Attorney at Law of the State of Minnesota. Supreme Court.

Respondent's neglect of client matters and noncooperation with disciplinary authorities requires a sanction of 6 months' suspension from the practice of law with reinstatement dependent on certain conditions.

Suspended. Per Curiam.

ORDERS

In Re Proposed Ruled of Board on Judicial Standards. Supreme Court.

Amendment of Rules governing Board of Judicial Standards. Amdahl, C.J.

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NEW PUBLICATIONS:

MN Hazardous Waste Rules (as in effect 2-10-86). MN Rules Chapter 7045 and 7046. The rules governing the permits, storage, production and shipment of Hazardous Waste. Code # 3-71. \$13.50.

Occupational Safety and Health Rules (as in effect 1-6-86). Chapters 5205-5206, 5210, 5215. State standards for safe working conditions including: personal protective equipment, walking and working surfaces, illumination and ventilation. 84 pp. Code # 3-18. \$9.00.

The Medical Alley Directory. Reach the decision-makers without delay at more than 300 medical and bio-tech companies and healthcare delivery organizations.

Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. (Code # 40-7 \$109.00)

OTHER PUBLICATIONS:

Legislative District Maps. A six-map set of Minnesota Legislative and U.S. Congressional Districts. Shows boundaries since redistricting. (3 maps 17" x 22", 1 map 25" x 29", 2 maps 28" x 40"). Sent to you in a sturdy mailing tube. Code # 7-7. \$4.95.

Minnesota Guidebook to State Agency Services 1984-85. Department of Administration. A 623-page guide describing all agencies in the three branches of state government, listing services, maps, guides, reports available from each. Includes explanation of administrative rulemaking, legislative lawmaking, and judicial processes in state. Paperback. Code #1-4. \$12.50 plus 75¢ tax.

* *Minnesota Laws 1985*. All laws passed in the Regular and Special Sessions. Code #18-3. \$37.00, plus \$2.22 tax.

* *Minnesota Rules 1985*. 10-volume set. Code #18-200. Single volumes: \$13.00 plus 78¢ tax; Full set: \$125.00 plus \$7.50 tax.

* *Minnesota Rules 1986 Supplement Number 1*. Code #18-200A. \$15.00 + 90¢ tax.

* *Minnesota Statutes 1985 Supplement*. Pocket part supplement to Minnesota Statutes 1984. Code #18-7. \$25.00 plus \$1.50 tax.

State Register Index. Contains cumulative finding aids to Volume 9 of the *State Register*, including Minnesota Rules Amendments and Additions, Executive Orders list & index, Agency & Subject Matter indices. Code #13-9 SR INDEX. \$5.00.

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